

Sullivan, Tim

From: Bishop, Everett
Sent: Wednesday, January 23, 2013 9:01 AM
To: Simpson, Julie
Cc: rice, cassandra
Subject: Re: CA letter for local educational agencies

Julie -

Cassandra identified a couple of areas to beef up which have been included in this draft.



Attachment withheld - (b)(5)

DRAFT OECA
National CA letter...

Everett Bishop
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US EPA
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From: Julie Simpson/DC/USEPA/US
To: Martha Segall/DC/USEPA/US@EPA
Cc: Everett Bishop/DC/USEPA/US@EPA
Date: 01/02/2013 03:44 PM
Subject: CA letter for local educational agencies

Martha --

(b) (5)

Here is the draft -- has not gone outside OC yet. Thanks --

[attachment "DRAFT OECA National CA letter.docx" deleted by Everett Bishop/DC/USEPA/US]

Julie Simpson, Chief
Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance/OECA
U.S. Environmental Protection Agency
(202) 566-1980

Sullivan, Tim

From: Simpson, Julie
Sent: Wednesday, January 23, 2013 10:23 AM
To: Vendinello, Lynn
Cc: Pontius, Ann; Bishop, Everett;rice, cassandra
Subject: Draft Asbestos Compliance Assistance Letter -- PLEASE REVIEW

(b) (5)

Could you take a look at the attached and let us know if you have any thoughts. Thanks --



Attachment withheld - (b)(5)

DRAFT OECA
National CA lett...

Julie Simpson, Chief
Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance/OECA
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Sullivan, Tim

From: Bryson, James M.
Sent: Wednesday, January 23, 2013 4:03 PM
To: Bishop, Everett; Courtnage, Robert
Subject: FYI: vermiculite - information sent out by CT

Importance: High

Everett, Robert:

(b) (5)

If vermiculite insulation bulk samples analyzed by standard polarized-light microscopy (PLM) analysis is found to be negative for asbestos, can schools treat the vermiculite as a non-asbestos containing material under the Asbestos Hazard Emergency Response Act (AHERA)?

Vermiculite insulation containing less than 1 percent asbestos does not qualify as asbestos containing material (ACM) under AHERA and the asbestos in schools rule. If standard PLM analysis, ensuring that bulk samples comply with sampling requirements as laid out in 40 CFR part 763.86 and that subsequent analysis of such samples complies with analysis requirements set forth in 40 CFR part 763.87, **concludes that a material contains less than 1 percent asbestos, then it is not ACM.** *As the Environmental Protection Agency (EPA) has recommended in its guidance to homeowners the school may wish to treat the vermiculite insulation as containing asbestos before taking any actions that might disturb it.*

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To Report a Violation of Lead Paint Rules in New England

<http://www.epa.gov/region1/enforcement/leadpaint/RenovationRepairPaintComplaintForm.html>

----- Forwarded by Jamesm Bryson/R1/USEPA/US on 01/23/2013 03:54 PM -----

From: "Day, Kristen" <Kristen.Day@po.state.ct.us>
To: "lou@encoct.com" <lou@encoct.com>,
Cc: "Skomro, Ronald" <Ron.Skomro@po.state.ct.us>, "Stapleton, William" <William.Stapleton@po.state.ct.us>, Jamesm Bryson/R1/USEPA/US@EPA

Date: 01/23/2013 02:40 PM
Subject: FW: vermiculite

<http://toxics.supportportal.com/ics/support/KBAnswer.asp?questionID=33716&hitOffset=139+40+25+2&docID=2429>

I believe this is the letter I have in the office- I will try to find it and scan it tomorrow to send to you.

I have been reading the attached articles and the EPA Shaul method (2004)

<http://nepis.epa.gov/Exe/ZyNET.exe/P100721B.txt?ZyActionD=ZyDocument&Client=EPA&Index=2011%20Thru%202015%7C2006%20Thru%202010%7C2000%20Thru%202005%7CHardcopy%20Publications&Docs=&Query=vermiculite%20Time=&EndTime=&SearchMethod=2&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C00THRU05%5CTXT%5C00000023%5CP100721B.txt&User=ANONYMOUS&Password=anonymous&SortMethod=-%7Ch&MaximumDocuments=15&FuzzyDegree=0&ImageQuality=r85g16/r85g16/x150y150g16/i500&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x>

(if you can't open the link just go to

<http://www.epa.gov/nscep/index.html> and search vermiculite --uncheck all the older than 2005 documents)

and I believe we are consistent with all vermiculite should be treated as ACM regardless of the testing results. Just look at the PCME (pcm equivalent) levels with activities performed (routine household such as vacuuming) when the lab bulk results were "trace" or 1% amphibole.



P:\Documents & Settings\B...002\vermiculite; still...

VERMICULITE INSULATION HOME
ASBESTOS EXPOSURE ASSESSMENT
PUEBLO COLORADO
(FINAL REPORT)

Prepared BY:
United States Environmental Protection Agency/Environmental Response Team
Las Vegas, NV

August 2008

Approved By:

Brian Brass, Project Manager

Date

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1.0 Background

In the Fall of 2007, EPA Region 8 representatives were contacted by an individual with concerns regarding the presence of vermiculite attic insulation in a family-owned residence and their recent diagnosis of peritoneal mesothelioma. This individual who was born in the late 1930's, reported living in a home on a small farm near Pueblo, Colorado that was insulated with vermiculite attic insulation. The individual's father purchased the vermiculite from a local lumber yard for use as home insulation in the summer of 1954. The vermiculite was purchased at a discounted price subsequent to a fire at the lumber yard, and was reportedly still hot and sticky from the fire at the time of the purchase. The material was purchased, loaded, and transported to their home for use as loose-fill vermiculite attic insulation (VAI). The subject reported that he and his father, over a 3-4 day period, packaged the vermiculite into standard feed sacks and hauled it into their attic where it was placed and spread to the appropriate depth in strict accordance with the manufacturer's specifications.

The attic was accessed over the years by family members in association with additional home renovations and to store various materials (e.g. holiday decorations, financial records, and clothing). Some of these items remained in the attic as of the date (20 to 21 December 2007) of the onsite EPA investigation. The attic is accessed by a standard width flight of stairs contiguous with a bedroom area on the second floor. The subject resided in the bedroom area containing the attic stairs for approximately three years, subsequent to installation of the VAI, before leaving home. During this time the subject reportedly accessed the attic several times per week to retrieve stored items, etc. Additionally, other family members, friends, and workers, have accessed, worked, and played in the attic subsequent to installation of the vermiculite. The subject also reported frequently observing the migration of vermiculite from the attic into interior living areas of the house. Several discussions with the subject and other family members indicated that aside from the potential asbestos contamination from the VAI, and asbestos pipe insulation associated with the furnace in the basement, there were no other substantive sources of asbestos known to be present in the home. Of note, asbestos sheeting was used as a protective barrier for infrequent welding activities on the farm. Also, asbestos was reportedly encountered during occasional repair of brakes on the farm equipment. Personal interviews did not identify other substantive residential or occupational exposures for the subject or other family members during the time when they occupied the home. At the time of this investigation, the home was not occupied, but was still owned and maintained by the family in a state that was fairly consistent with conditions when it was occupied.

Samples of the vermiculite insulation, collected by the homeowners, were evaluated prior to this investigation by polarized light microscopy (PLM) (modified CARB 435 or similar technique) by a certified lab (National Voluntary Laboratory Program (NVLAP)) and were found to contain "trace" concentrations of asbestos consistent with Libby Amphibole (this finding was confirmed with the lab director by Aubrey Miller (EPA, Region 8)).

Libby Amphibole asbestos-contaminated VAI represents an important source of exposure worthy of significant concern at this home, homes in Libby, and numerous other homes or structures around the country containing contaminated VAI. Vermiculite-disturbing activities, such as renovation, searching for electrical junction boxes or moving materials in an attic, can cause asbestos fibers to be released into the air. Additionally, vermiculite insulation may have been transported or distributed throughout the dwelling during installation, subsequent disturbance or through routine use of the dwelling. Information about levels of exposure encountered through indoor exposure pathways exclusively associated with disturbance of VAI, independent of other exposure pathways associated with contaminated vermiculite (e.g., contaminated outdoor soils, residences of former vermiculite workers), is critical to understanding the potential exposures and risks associated with the presence of VAI in a home. Such information is especially important in view of the development of an asbestos-related cancer in a former occupant of this home.

This investigation was conducted based on the Conceptual Site Model presented in Figure #1 of the Quality Assurance Project Plan/Field Sampling Plan (QAPP/FSP) Dated 20 December 2007. The model was based on the assumptions that individuals might be exposed to asbestos associated with the Libby Montana vermiculite or from other non-Libby sources of asbestos. The investigation was designed to identify primary sources of asbestos such as Libby vermiculite insulation, asbestos containing pipe wrap, tiles and other materials as well as secondary sources of asbestos such as dust. Air sampling was conducted to measure potential asbestos exposure indoors, in the attic, as well as outdoors as a reference. Bulk and microvac samples were collected to identify potential sources of asbestos.

2.0 Project Description/Materials and Methods

Refer to the QAPP/FSP dated 20 December 2007 for a detailed description of the sampling and investigation techniques. Air, bulk material (including vermiculite) and microvac samples were collected during this investigation.

2.1 Air Sampling

Two distinct types of air sampling were conducted for this investigation, Asbestos Hazard Emergency Response Act (AHERA) style sampling and Activity Based Sampling (ABS).

2.1.1 AHERA Sampling

For the AHERA style sampling, the interior of the dwelling was disturbed using a leaf blower and oscillating fans were employed as described in 40 Code of Federal Regulations (CFR) Part 763. One air sample was collected from each of the four

bedrooms, the living room, dining room and three air samples were collected from outside of the dwelling. AHERA style samples were collected at a nominal flow rate of 10 liters per minute and set to run for 480 minutes (refer to the sample data sheets in Appendix A for detailed information regarding flow rates and sample periods).

ABS samples were collected in the following locations for the activities listed:

- Electrical box installation in attic (ABS-EBI-1)
- Moving boxes in attic (ABS-MB-1, ABS-MB-2)
- Sweeping the floor in the kitchen (ABS-SWEEP)
- Watching television (ABS-TV)
- Vacuum upstairs bedrooms 2, 3, and 4 (ABS-VAC)
- Vacuum upstairs bedroom 1 and upstairs bathroom (ABS-BR1)

2.1.2 Electrical box installation in attic (ABS-EBI-1)

ABS-EBI-1 simulated the installation of an electrical junction box and running wire in the attic. Since the vermiculite appeared to be of uniform consistency and evenly distributed throughout the attic, a location over bedroom #1 (room with attic access) was selected for the junction box installation simulation. The vermiculite insulation was cleared from the simulated installation area between the ceiling joists approximately one and one half foot long. Installation of the junction box was simulated by hammering the joists approximately 10 times. Installation of length of Romex® cable was simulated by pulling a length of quarter inch nylon rope across the attic floor and simulates the installation of cable staples by hammering each rafter along a 25 foot run twice. The participant then simulated splicing the wire into the junction box. These activities created such a large cloud of visible dust in the attic that subsequent aggressive activities such as moving vermiculite or dragging the rope through the attic were halted. The aggressive activities, although not specifically timed, were estimated to have occurred for less than 10 minutes of the full sample period. For the remainder of the electrical box simulation activity, the participant simply simulated low disturbance activities such as connecting the wires in the box until the sampling period ended. The sample period was reduced to 60 minutes rather than the 100 to 120 minutes indicated in the QAPP/SAP due to the suspected heavy dust loading observed for this activity.

2.1.3 Moving boxes in attic (ABS-MB-1, ABS-MB-2)

This activity was intended to simulate a resident moving things into or fetching items from the attic. For this activity, boxes containing financial records, Christmas decorations and miscellaneous items were moved from their original location in the attic to the top of the stairs leading to the bedroom below. The boxes were subsequently moved back to their original location. Once again, this activity was scheduled for in excess of 100 minutes, however, its duration was shortened to approximately 45 minutes and the level of activity was severely reduced due to the large amount of visible dust observed. Personnel conducting this activity crawled from the attic stair to the far side of

the attic where financial records were stored and back to the stairs twice during this activity. They also crawled halfway across the attic towards the center of the house where the Christmas items were stored twice. This activity equaled four round trips approximately evenly spaced through out the sample period. Items were picked up and carry from point of origin to the top of the attic stairs, then returned to the point of origin. When not actively moving boxes, the participants remained in the attic for the duration of the sampling period primarily sitting at the top of the stairs.

2.1.4 Sweeping the floor in the kitchen (ABS-SWEEP)

Participants swept the kitchen, creating small piles of dust/debris, using a standard synthetic bristle broom (kitchen broom, approximately 10 inches in width) to remove dust and debris for 110 minutes. Sweeping was conducted in the kitchen area only. The participants swept dust and debris away from themselves into several small piles. Once several small piles of debris had been formed, the participant would gently re-distribute the dust on the floor. The sequence of sweeping and spreading out debris was repeated for the duration of the sampling period. The participants remained in the kitchen for the entire sampling period.

2.1.5 Watching television (ABS-TV)

Participants sat sit in a chair and watch television or read magazines or newspapers for a period of 120 minutes. During this time, the participant got up from their chair every twenty minutes and walked into the kitchen or another room to simulate routine activity. The participants remained in the same general area (rooms) for the duration of the sampling period.

2.1.6 Vacuum upstairs bedrooms 1 through 4 (ABS-VAC, ABS-VAC-BR1)

Personnel used the resident's upright Orek, non-HEPA vacuum cleaner to vacuum carpeted floors in the upstairs bedrooms and hallway. Event ABS-VAC included bedrooms 2, 3 and 4 while ABS-VAC-BR1 was isolated to bedroom #1 (room with attic access) only. The participants vacuumed the designated area for the duration of the sampling period, mimicking the way a home owner would clean a room. The participants remain in the specified room(s) for the entire sampling period.

2.2 Bulk Suspect Asbestos Containing Material (ACM) Sampling

Accessible areas of the dwelling and out buildings were inspected for suspect ACM per the QAPP/SAP. Samples were collected from suspect materials and placed in plastic bags which were subsequently labeled and double bagged. A sample was not collected

from the furnace pipe insulation in the basement that was known to contain asbestos. Bulk samples were collected from the old vinyl floor tiles leading to the attic, the clothes dryer exhaust hose, the vacuum cleaner bag, the bedroom #1 closet wall plaster, popcorn ceiling in the living room, and from the vermiculite insulation in the attic.

2.3 Microvac Sampling

Dust samples were collected using the microvacuum (microvac) sampling technique per the American Society for Testing and Materials (ASTM) Standard Test Method for Microvacuum Sampling and Indirect Analysis of Dust by Transmission Electron Microscopy for Asbestos Structure Number Surface Loading (D 5755-03).

Each indoor microvac sample contained three sample aliquots; that is, three separate 100 cm² surfaces were vacuumed using a single cassette. Each cassette contained dust from a total 300 cm² surface area and a total of approximately 6 minutes of sampling time. The sampling pump was turned off between aliquots.

Microvac samples were collected from each bedroom, the dining room, kitchen, office, living room, and from the attic.

3.0 Results

Air AHERA style air sampling results may be referenced in Table #1, ABS results in Table #2, bulk sampling results in Table #3, and microvac sampling results in Table #4. In the tables the following abbreviations were employed:

LA = Libby Amphibole

OA = Other Amphibole – amphibole not meeting the spectral pattern of a La

C = Chrysotile

For all of the air sampling results tables, the concentration section columns labeled La, OA and C report the total Transmission Electron Microscope (TEM) structures counted per the ISO 10312 or 13794 and project specific counting rules. These individual fiber type (LA, OA, C) results include long (> 0.5 µ in length) and short (< 0.5 µ) fibers/structures, representing the full population of structures counted for each asbestos type.

The PCME (all) column is a summation of all of the asbestos types, but a subset of the total structure count population to include only the PCME fraction of the total structure population. The definition of PCME structures being used is fibers that are longer than 5 µm in length with aspect ratios of 3:1 or greater and width between 0.25 µm and 3.00 µm. PCME structures are reported separately because they are typically used in risk calculations and assumed to be more biologically active than the shorter fibers.

4.0 Discussion of Results

This discussion will present the results of the testing and compare those results to each other and generally accepted benchmarks, where available, it will not provide an evaluation of risk or potential health effects associated with potential exposure. A risk assessment will need to be performed to evaluate potential risk associated with occupancy of the dwelling or performing tasks in the house.

4.1 AHERA Sampling

The AHERA sampling results are summarized in Table #1. The majority of the samples had to be analyzed using the indirect preparation technique due to heavy filter loading with particulate. However, the outdoor samples and the sample collected in bedroom #2 were analyzed using the direct preparation method. All of the outdoor AHERA samples were below the method analytical sensitivity of 0.0002 s/cc. The indoor samples all had detectable concentrations of asbestos which varied with activities and locations. Libby amphiboles (LA), other amphiboles (OA) and chrysotile (C) were quantified in the indoor air AHERA samples. The vermiculite attic insulation is a likely source for the LA and OA, however, a likely source for the C was not identified in the investigation.

4.2 ABS Sampling

The ABS results presented in Table #2 clearly indicate markedly elevated levels of airborne LA and chrysotile asbestos during activities performed in the attic. For the purpose of this report, markedly elevated is defined as an airborne concentration of asbestos which would exceed the Occupational Safety and Health Administration (OSHA) excursion limit of 1 fiber per cubic centimeter (f/cc) of air over a 30 minute period. OSHA defines a short-term exposure limit (STEL) as one or more samples representing 30 minute exposures associated with operations that are most likely to produce exposures above the excursion limit for employees in each work area. For example, the medium energy electrical box installation activity exceeded the OSHA excursion limit of 1 f/cc. Airborne concentrations of LA and chrysotile asbestos also exceeded the OSHA Permissible Exposure Level (PEL) of 0.1 f/cc of air (assumes an 8 hour exposure) in several samples.

Watching television downstairs in the living room and vacuuming bedrooms 2, 3 and 4 produced comparatively (when compared to ABS in the attic or even vacuuming bedroom 1) lower levels of airborne asbestos. The presence of chrysotile in the attic air samples was unexpected since a source of chrysotile was not identified (see discussion in Section 4.3 below). Chrysotile was also detected in the living space ABS samples. When the chrysotile was first reported with the preliminary data, the analytical laboratory was contacted to verify its presence and identification. The laboratory confirmed the

presence of chrysotile in the samples and ran additional laboratory blanks to demonstrate that the chrysotile was not being introduced in the sample preparation process.

The laboratory also reported very heavy particulate loading on the majority of samples collected in the attic. The heavy particulate loading information from the lab confirms the observations of the ABS participants who indicated that minimal movements in the attic generated large volumes of dust that was easily observed in the attic light. Direct disturbance of the vermiculite insulation obscured vision in the attic.

4.3 Bulk Samples

LA was the only type of asbestos detected in the bulk samples. LA was only detected in the vermiculite samples collected from the residence's attic insulation. LA was present in the vermiculite at approximately 1% as estimated by the visual area procedure. None of the other suspect ACM samples contained measurable concentrations of asbestos. Chrysotile was found in the air and microvac samples; however, it was not identified in any of the bulk samples. Electrical wire insulation on some Christmas lights stored in the attic may have been a possible source for the chrysotile. This wire insulation was not sampled as a suspect ACM bulk material during the investigation, however, it may warrant further investigation as it appeared to be a woven sheath insulating the wires.

4.4 Microvac Results

Microvac results are presented in Table #4. Limited studies of workplaces regarding surface contamination by chrysotile asbestos indicate that levels of asbestos in settled dust as determined by the microvac technique are considered low if less than 1,000 s/cm². Levels above 10,000 s/cm² are generally above background and levels above 100,000 s/cm² are considered elevated and indicative of a release or presence of significant contamination (Millette 1994). Of note, data are not available concerning expected findings of amphibole asbestos in occupational or residential environments

During this investigation, concentrations of LA asbestos in settled dust exceeded the 10,000 s/cm² "background" level suggested by Millette in the attic, the stairs leading to the attic, on materials normally stored by the stairs leading to the attic, and the office. The small storage closet had just less than 10,000 s/cm² (9,436 s/cm²). In addition to LA, chrysotile was also found in many of the microvac samples. The office area contained over 13, 000 s/cm² of chrysotile, indicating a potential source of this type asbestos somewhere in the office.

Microvac testing results must be compared with results obtained from the same as well as similar structures or sites to be able to conclude if there are significantly elevated concentrations of asbestos in the test building. Although only a limited number of studies have been published, studies by Millette (1994) and by Ewing (1996) provide some of the most useful comparisons.

It should be noted that Millette's interpretation of "background" was for urban areas in buildings that contained chrysotile ACM or areas where ACM had recently been removed or remediated. That is, Millette's "background" is not considered a naturally occurring background or one uninfluenced by human introduction of asbestos. Additionally, Millette's study primarily focused on chrysotile asbestos, not LA.

The Ewing study measured asbestos levels in settled dust from none detected up to 210,000 structures per square centimeter (s/cm²) in buildings with no known asbestos-containing materials (ACM) and significantly higher levels; ranging from approximately 7000 structures to 74 million s/cm² in buildings known to include ACM. Samples collected in six buildings without friable asbestos-containing surfacing materials indicated a geometric mean of 1000 s/cm² (Ewing 1999).

Asbestos contamination in buildings in Libby, Montana provides additional data for evaluating the asbestos contamination in the settled dust of the Pueblo CO residence. At the Libby site an action level of 5,000 s/cm² in generally accessible areas has been established for triggering a cleanup in a residential dwelling.

It is also important to recognize that microvac methods are indirect preparation analytical methods where the filters are ashed and the particulate is suspended in water, which can have a substantial influence on the fiber number, as soluble components of the matrix will dissolve and the shaking and ultrasonic treatment can break up and release fibers (Chatfield, 2000).

5.0 Recommendations

Look for potential sources of chrysotile asbestos. Sample the floor tile in the office as a possible chrysotile source. Re-examine materials in the attic and the roof shingles for asbestos.

References

- Chatfield, E.J. (2000). *Correlated measurements of airborne asbestos containing particles and surface dust*. : In *Advances in Environmental Measurement Methods for Asbestos*. ASTM, STP 1342, 378-402, American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428.
- Ewing, William. M. 1999. *Further Observations of Settled Asbestos Dust in Buildings*. In *Advances in Environmental Measurement Methods for Asbestos*, ASTM ST P 1342, H.L. Rook and M. E. Beard Eds., American Society for Testing and Materials.
- Ewing, William. M. , T. A. Dawson and G. P. Albert. 1996. *Observations of Settled Asbestos Dust in Buildings*: EIA Technical Journal, Summer 1996, pp. 13-17

Millette, James. Hays, Steve. 1994. *Settled Dust Sampling and Analysis*. Lewis Publishers, CRC Press.

Appendix A

Air Data Sheets

Appendix B

Full Data Set for Air Samples

Zonolite Attic Insulation Exposure Studies

WILLIAM M. EWING, STEVE M. HAYS, RICHARD HATFIELD, WILLIAM E. LONGO, JAMES R. MILLETTE

Several studies were designed and conducted to evaluate amphibole asbestos exposures in homes containing Zonolite (expanded vermiculite) attic insulation (ZAI). A range of tasks selected for evaluation included cleaning, working around, moving, and removal of ZAI in attics and living spaces. The fieldwork for these studies was conducted at two homes in Spokane, WA and one home in Silver Spring, MD. Personal and area air samples were collected and analyzed as part of the exposure studies. Surface dust samples and bulk samples were also collected and analyzed. The results demonstrated that airborne concentrations of amphibole asbestos were not elevated if the material is undisturbed. The results also demonstrated that cleaning, remodeling, and other activities did produce significant concentrations of airborne amphibole asbestos when the ZAI was disturbed. *Key words:* asbestos; vermiculite; amphibole; exposure; insulation; renovation; remodeling; demolition; industrial hygiene; Zonolite; ZAI.

INT J OCCUP ENVIRON HEALTH 2010;16:279-290

INTRODUCTION

In 1926, the Vermiculite and Asbestos Company was formed to extract vermiculite from the Libby, MT area; since the time of the company's formation, it was known that vermiculite from Libby was contaminated with asbestos.¹ Two years later, on November 27, 1928, US patent number 1,693,015 was awarded to Joseph A. Babor and William L. Estabrooke for a molded insulating material made from expanded vermiculite, termed Zonolite.² One of the major uses of Zonolite was loose-fill insulation in attics of homes. By 1977 such loose-fill insulation, or Zonolite Attic Insulation (ZAI), consti-

tuted 15 % of domestic vermiculite use.³ During each year of the 1970s alone approximately 53,000 tons of vermiculite were installed into US homes, according to a study commissioned by the United States Environmental Protection Agency (EPA).⁴ The mines in Libby were the largest source of this vermiculite.³

Over the decades, studies were done at the Libby mine and mill as well as at other industrial sites evaluating exposures for asbestos-contaminated vermiculite.⁵ Studies have also been performed, and ongoing studies are evaluating, past and current exposures to amphibole asbestos and resulting disease in the Libby area and numerous expansion plants.^{6,7} W.R. Grace & Co. (WRG) produced and sold ZAI for many years. The company no longer produces ZAI and has filed for bankruptcy. The scientific and medical literature includes thousands of articles evaluating asbestos exposure and disease in asbestos mining and milling operations, asbestos product manufacturing and installation, and asbestos abatement. There is a small collection of articles that consider asbestos exposure and disease from fibers carried into the home from the workplace. Other studies have looked at concentrations of asbestos in the outdoor air, and some have summarized air sampling measurements inside public and commercial buildings. People are clearly exposed to airborne contaminants not only in the workplace but in the outdoors as well. However, many, if not most people spend more time in their home environment than any other and, significantly, there is a gap in the literature when considering asbestos exposure from materials in the home. In this study we looked at amphibole asbestos exposure in homes from attic insulation made from expanded vermiculite, or ZAI.

The first study to report exposures from disturbing in-place asbestos-contaminated vermiculite was presented at the American Industrial Hygiene Conference in 1997.⁸ This study measured exposures to workers when demolishing a building with asbestos-contaminated attic insulation in Manitoba, Canada.⁹ Samples of the vermiculite attic insulation were reported as containing generally less than 0.1% actinolite and/or tremolite asbestos. This study reported personal exposures to workers demolishing a ceiling, performing clean-up, and disposing of the waste, which ranged from 3.3 to 6.8 fibers greater than 5 μm in length per cubic centimeter (f/cc). The same samples analyzed by transmission electron microscopy (TEM) found 4.4 to 174 asbestos fibers greater than 5 μm per cubic centimeter (f/cc). This study did not address what expo-

Received from: Compass Environmental, Inc., Kennesaw, GA (WME); Gobbell Hays Partners, Inc., Nashville, TN (SMH); Materials Analytical Services, Inc., Suwanee, GA (RLH, WEL); MVA Scientific Consultants, Inc. (JRM). Funding for the field and laboratory work was provided through the firm of Richardson, Patrick, Westbrook, and Brickman of Charleston, SC from funds authorized by the court overseeing the W.R. Grace & Co. bankruptcy proceedings. Send correspondence to: William M. Ewing, Compass Environmental, Inc., 1751 McCollum Parkway NW, Kennesaw, GA 30144-5908; email: <wmewing@aol.com>.

Disclosures: The field study and laboratory analyses for this work were funded by attorneys representing claimants in the W.R. Grace & Co. bankruptcy proceedings. W.R. Grace & Co. formerly manufactured Zonolite expanded vermiculite attic insulation (ZAI) for use in homes. The authors have previously appeared as expert witnesses in asbestos litigation on behalf of building owners against former asbestos product manufacturers.



Figure 1—Home A.



Figure 2—Home B.



Figure 3—Home C.

tures, if any, might result from routine tasks performed by homeowners in attics with Zonolite vermiculite.

We designed and conducted a series of studies to evaluate amphibole asbestos exposures during specific activities conducted in homes containing ZAI. The tasks selected for evaluation were as follows:

- cleaning stored items in an attic with ZAI at the perimeter only;
- cleaning storage areas in an attic fully insulated with ZAI;

- cutting a hole in the ceiling of a living space below ZAI attic insulation;
- moving ZAI using the WRG method;
- moving ZAI using a homeowner method; and
- removing ZAI from the top of wall cavities with a shop vacuum.

METHODS

Selection of Homes

One of the authors visited over a dozen homes to determine if they were possible candidates. The primary criterion was the presence of Zonolite vermiculite used as insulation in the home. The homes also needed to be available for study and sampling over approximately a three- to four-day period. The testing was designed to avoid exposing the occupants to any additional asbestos. The homes selected needed to have reasonable access to the attics. The availability of electricity and water was also necessary. Three homes were selected (Figures 1, 2, and 3).

Selection of Tasks

Possible activities during which asbestos exposures might be measured were considered during preparation of the study design. These included cleaning tasks, service work, maintenance, remodeling, renovation, and demolition activities. The category “no activity” was considered and selected as a baseline for comparison with the tasks to be tested. Long-term sampling in occupied homes was not considered feasible due to time and budgetary constraints. Tasks selected for testing were those that might occur in homes and that might reasonably be expected to disturb in-place Zonolite insulation or the dust/debris from that insulation.

Description of Tasks

Before conducting testing, the area where each task would occur was separated from the rest of the house by erecting a two-stage decontamination station at the entrance to the attic or room. Each decontamination station consisted of two small rooms (approximately 4' × 4') separated by plastic flap doorways and was similar to those used on asbestos abatement projects. The inlet for a high efficiency particulate air (HEPA) filtered vacuum was placed in the room closest to the work area. The decontamination station was designed to prevent dust generated from the activities conducted from migrating out of the attic or room. It also served as a location for persons to change out of personal protective equipment and to clean themselves and equipment. As necessary, suspended shop lights were installed to provide better lighting. Area sampling equipment, extension cords, tripods, and miscellaneous tools/sup-



Figure 4—View of attic area cleaned in home B.

plies necessary to perform the tasks were brought into the area.

After the tasks were performed, any items removed from the area were HEPA-vacuumed and wet-cleaned. Accessible Zonolite insulation in the attics of the homes was removed by a state licensed asbestos abatement contractor. During and after these activities, area air sampling was conducted by a local consulting firm to determine if asbestos had migrated to normally occupied locations and if the attics were clean after abatement.

Cleaning of stored items in an attic with Zonolite at the top of wall cavities only. This activity was performed in the attic of home B (Figure 4). In this home the Zonolite insulation was limited only to the perimeter (primarily the east and west sides) of the attic space at the top of the wall cavities. Cleaning was performed by one individual with an assistant to help move trunks and boxes.

The cleaning consisted of dusting the top surfaces of approximately eight stored boxes, two trunks, and fishing tackle with new cotton cloths, as well as sweeping exposed wood floor areas with a corn broom (Harper brand, model No. 100, Harper Brush Works, Fairfield, IA 52556). Rugs on the attic floor were cleaned with a standard upright vacuum cleaner (Eureka brand Upright Vacuum Cleaner, Household Type, Model No. 7600, The Eureka Company, Bloomington, IL 61710). The homeowner reported the attic had last been cleaned two years prior to this work and we followed the procedures in the same manner as that cleaning, as described by the homeowner. About half of the attic floor area was cleaned (approximately 390 ft²). The cleaning activity took 31 minutes to complete and were completed in the following order: sweeping (1 min) dusting (13 min), and vacuuming (17 min).

Cleaning of storage area in an attic fully insulated with Zonolite. This activity was performed by one person in home C, who used a new corn broom to sweep spilled ZAI back into the space between ceiling joists in the attic (Figure 5). The person also used a hand broom to



Figure 5—View of attic in home C.

sweep ZAI from wooden boards located in the attic. The task took approximately 16 minutes to complete.

Cutting a hole in the ceiling of a living space below Zonolite attic insulation. This activity was performed at home A (Figure 6). The hole was similar to one that might be needed to install a recessed light fixture or ceiling fan. One person cut an opening in the ceiling measuring 15" × 24" in a room measuring 11'2" × 13'4" with the assistance of a second person. The ceiling material consisted of a stipple finish on 1/4" wallboard, one layer of wallpaper, finish hard plaster, and a coating of gray hard plaster on wood lathe.

The cutting was started by drilling a 2" diameter hole at one corner of the rectangle to be cut with a power drill equipped with a keyhole saw bit. The remainder of the cutting was performed with a Stanley brand 12" hand compass saw (both the keyhole and the compass saw had eight-point blades). The entire cutting activity took 24 minutes to complete with drilling the starting hole taking less than one minute and the remainder of the time spent hand-sawing with periodic short rest breaks. The average depth of Zonolite insulation above the cutout area was 4".

*Moving aside Zonolite attic insulation (W.R. Grace & Co. method).*¹⁰ This activity was performed in the attic of home A (Figure 7). The floor of the attic was 756 ft² (28' × 27'). This task was performed primarily by one person with the assistance of a second person.

The activity consisted of removing approximately 15 ft² (2'6" × 6') of ZAI having an average depth of 5" from between the floor joists. This material was misted with water using a hand-held pump-up garden sprayer immediately before the work began. The Zonolite was scooped from between the floor joists and into plastic bags using a plastic dustpan. The remaining visible dust and debris was removed using a new HEPA-filtered vacuum cleaner (Ridgid brand, model no. WD09350, manufactured by Emerson Electric Co., with a Trapmax 3 model no. VF6000 HEPA filter rated at 99.97% efficient down to 0.3 microns installed).



Figure 6—View of ceiling after cutting, home A.

The activity took 33 minutes to complete, consisting of two minutes for misting with water, 25 minutes for scooping Zonolite into plastic bags, and six minutes for vacuuming.

Moving aside Zonolite attic insulation (homeowner method). This task was performed in the same attic (home A) as the previous test. This activity consisted of removing approximately 14.4 ft² (2'8" × 5'5") of Zonolite attic insulation with an average depth of 5" from between the floor joists (Figure 8). The work was performed using the same methods, except the Zonolite was not misted with water at the start of the work and a whiskbroom and plastic dustpan were used to remove the visible dust and debris at the end of the work (O Cedar brand corn whiskbroom, 10" long, bristle spread 8" by 1"). The work took 29 minutes to complete, consisting of 15 minutes scooping ZAI into plastic bags and 14 minutes using a whiskbroom to clean dust and debris.

Removal of Zonolite insulation from the top of wall cavities with a shop vacuum. This activity was performed in the attic of home B (Figure 9). The removal was performed by one individual with an assistant. The work consisted of removing approximately 60' of Zonolite insulation from a trough at the perimeter of the attic having an average width of 5.5" and depth of approximately 4". The equipment used to remove the Zonolite was a new standard shop vacuum (Ridgid brand, model no. WD0620, manufactured by Emerson Electric Co., with part no. VF4000 filter installed). The work took 44 minutes to complete and consisted of vacuuming up Zonolite until the shop vacuum was about half full (approximately three gallons) and dumping the contents into a plastic trash bag. The shop vacuum was emptied seven times during this activity.

Personnel Protection

Prior to the start of any field work, and again at the work sites, all personnel were briefed on the project and the



Figure 7—View of ZAI after moving by W.R. Grace & Co. method.

known health and safety hazards likely to be encountered. During the testing, any persons entering the attics or other work areas were required to wear respiratory protection and two layers of full body protective clothing. Full-face powered-air purifying respirators equipped with high efficiency filters approved by the National Institute for Occupational Health and Safety (NIOSH) to prevent asbestos exposure were used. Personnel decontamination was performed on-site through the use of a HEPA-filtered vacuum followed by wet washing. Homeowners were not permitted to enter the home until after cleaning was completed by a state licensed asbestos abatement contractor and clearance air sampling had been completed.

Sampling Methods

Air, dust, and bulk samples were collected as part of this study. Sample logs and chain-of-custody forms were completed for all samples. Air, dust, and bulk samples were stored and transported separately to minimize the opportunity of cross-contamination between samples. The amphibole asbestos species identified by electron microscopy or polarized light microscopy in air, dust, or bulk samples are reported herein as "Libby amphiboles" and consisted of fibrous tremolite, richterite, winchite, and actinolite.^{11,12}

Air sampling. Personal and area air sampling was conducted. Personal samples were collected in the breathing zone of the person, but outside the full-face respirator. The personal samples were secured to the full-face respirator at approximately eye level so the sample would not be located in the exhaust of the powered-air purifying respirator. The filter cassettes were positioned at approximately a 45-degree angle pointed downward. Personal samples were collected using battery-operated air sampling pumps calibrated before and after each set of samples during an activity (Mine Safety Appliance [MSA] brand model ELF sampling



Figure 8—View of Zonolite in attic after moving by homeowner method.

pumps and one MSA brand model Flowlite pump). Area samples were collected using electric air sampling pumps (Dawson brand Gast electric pumps). All personal sampling pumps were calibrated on-site using a primary flow meter (Bios International Corp., DryCal DC-Lite Primary Flow Meter, S/N 6615).

Personal samples were collected in pairs. One sample was collected on a mixed cellulose ester (MCE) membrane filter (25 mm diameter) having a pore size of 0.8 micrometers (μm). The other sample in the pair was collected on the same type of filter with a pore size of 0.45 μm . Personal samples were typically collected at flowrates between 0.5 and 1.0 liters per minute (l/min) due to the dusty environment anticipated. Area samples were typically collected at flowrates of seven to 10 l/min in less dusty environments and two to four l/min in more dusty environments.

During the testing, the personal and area air sample filters were visually inspected at least every five minutes to estimate dust loading. The sampling filters were changed whenever there was a visible discoloration of the filter surface to reduce the chance of excessive dust loading on

the filters. Blank samples were collected at a rate of 10% or two per sampling batch, whichever was greater.

All air samples were submitted to a laboratory accredited by the American Industrial Hygiene Association (AIHA) and the National Voluntary Laboratory Accreditation Program (NVLAP) (administered by the National Institute of Standards and Technology (NIST)), or were A2LA accredited under ISO Standard 17025. Personal air samples collected on 0.8 μm pore size MCE filters were analyzed by phase contrast microscopy (PCM) as described in NIOSH method 7400.¹³ Personal and area air samples collected on 0.45 μm MCE filters were analyzed by transmission electron microscopy (TEM) using the direct preparation techniques described in the EPA Code of Federal Regulations.¹⁴ This method is commonly referred to as the EPA AHERA method. The results of the PCM samples are reported as fibers per cubic centimeter of air sampled (f/cc). The results of the TEM samples are reported as structures per cubic centimeter of air samples (s/cc). Using the TEM fiber size information for four of the five sets of data, the PCM equivalent (PCME) concentrations were calculated and reported in f/cc.

Dust sampling. Surface dust samples were collected using ASTM method D 5755, Standard Test Method for Microvacuum Sampling and Indirect Analysis of Dust by Transmission Electron Microscopy for Asbestos Structure Number Concentrations.¹⁵ This method uses a sampling pump calibrated at two l/min to vacuum dust onto a 0.45 μm pore size MCE filter from a measured surface area of typically 100 square centimeters (cm^2). These samples were analyzed by TEM as described in ASTM D 5755 and results reported as asbestos structures per square centimeter of surface area sampled (s/ cm^2).

Bulk sampling. Bulk insulation samples were collected by placing a small quantity in a labeled sealed container, and submitted for analysis by polarized light microscopy (PLM) as described by the method EPA-



Figure 9—View of ZAI at top of wall cavity before shop vacuum removal.

TABLE 1 Summary of Air Sampling Results for Cleaning of Stored Items with Zonolite at the top of Perimeter Wall Cavities Only

Sample Location	Number of Samples	PCM TWA	TEM TWA	s/cc >5 μ m	PCME (f/cc)
	n	f/cc	s/cc		
Worker, personal	3,3	1.54	< 0.42	< 0.42	< 0.42
Assistant, personal	3,3	0.53	< 0.33	< 0.33	< 0.33
Area, in cleaning area	3	—	0.12	0.11	0.10
Area, adjacent to cleaning area	3	—	0.07	0.07	0.04
Area, ~10 feet away	3	—	0.06	0.06	0.06
Area, ~20 feet away	3	—	< 0.05	< 0.05	< 0.05
Area, before cleaning	4	—	< 0.002	< 0.002	< 0.002

600/MR-82-020, Interim Method for the Determination of Asbestos in Bulk Insulation Sample.¹⁶ Results are reported as percentages of asbestos by volume. This standard EPA PLM method sometimes fails to detect the amphiboles present in vermiculite samples due to the non-homogeneous distribution of the amphiboles in the vermiculite. Since this work was performed, the EPA has published an improved method designed specifically for analyzing vermiculite-containing attic insulation.¹⁷

RESULTS

Cleaning of Stored Items in an Attic with Zonolite at Top of Perimeter Wall Cavities Only

Four area air samples were collected before the start of cleaning activities. No asbestos structures were detected in these samples and a detection limit of less than 0.002 s/cc was reported. During the cleaning activity the personal exposure measurements for the worker measured by PCM ranged between 0.82 and 2.53 f/cc, with a time-weighted average (TWA) during the 33-minute time period of 1.54 f/cc. During a 34-minute time period the personal exposure measurements for the assistant measured by PCM ranged between < 0.54 and 0.82 f/cc, with a TWA of 0.53 f/cc. The value of one-half the detection limit value was used to calculate the TWA where no fibers were detected in the sample. To use zero would likely bias the calculated TWA low, and to use the detection limit value would bias the calculated TWA value high. No asbestos structures were detected in three samples collected on the worker and the three samples collected on the assistant during the cleaning activity. The TWA values were < 0.42 s/cc for the worker and < 0.33 s/cc for the assistant.

Four sets of three area air samples (12 total) were collected during the cleaning activity and analyzed by TEM. The TWA during a 31-minute time period for the three samples in the group closest to the cleaning activity was 0.12 s/cc for all structures greater than 0.5 μ m in length and 0.11 s/cc for structures > 5 μ m in length. The TWA during a 32-minute time period for the next

closest set of three area air samples was 0.07 s/cc for structures > 5 μ m in length. The TWA during a 32-minute time period for the next closest set of three area air samples was 0.06 s/cc for structures > 5 μ m in length. The TWA during a 31-minute time period for the set of three area air samples farthest from the cleaning activity was < 0.05 s/cc. No asbestos structures were detected in these three samples. The results for the air samples collected for this cleaning activity are summarized in Table 1.

Before the cleaning activity began four dust samples were collected from four non-porous attic surfaces. The results ranged from not detected to 38,000 s/cm², with an average (logarithmic mean) of 9500 s/cm². Three bulk samples of Zonolite collected from the attic perimeter were analyzed by PLM and found to contain a "trace" of Libby amphiboles by volume (a "trace" finding by PLM is an estimate of some value less than 0.1%).

Just prior to the cleaning activity four sheets of aluminum foil were placed on surfaces to collect dust settling during a 23-hour period. The locations ranged from about 10' to 20' away from the cleaning activity so they would not need to be disturbed during the cleaning activity. No asbestos structures were found in the four dust samples collected from the foil sheets. Values < 300 s/cm² are reported for each sample.

This cleaning study highlights a shortcoming in two commonly used air sampling methods when employed to measure fibers or asbestos structures in a "dusty atmosphere." The direct preparation TEM method requires that small sample volumes be collected to prevent overloading of the filter surface. When the dust collected is predominantly asbestos, this is not a problem. When the dust collected is predominantly not asbestos, the non-asbestos dust obscures the asbestos structures. The result is a higher than desirable sensitivity. For the PCM samples, the non-asbestos fiber content of normal house dust (primarily cellulose fiber) provides for a high fiber count when only a fraction of those fibers are asbestos.

For this study, the three area air samples collected in the cleaning area provided the best asbestos fiber exposure information for an individual cleaning stored

TABLE 2 Summary of Air Sampling Results for Cleaning of Storage Area in an Attic Fully Insulated with Zonolite

Sample Location	Number of Samples	PCM TWA	TEM TWA	s/cc >5 μ m
	n	(f/cc)	(s/cc)	
Worker, personal	3,3	2.87	4.00	2.58
Assistant, personal	3,3	0.65	0.43	0.43
Area, sample set 1	3	—	0.88	0.61
Area, sample set 2	3	—	0.61	0.43
Area, sample set 3	3	—	0.39	0.30
Area, Pre-work	5	—	< 0.005	< 0.005

items in an attic with Zonolite located in the perimeter wall cavities. These data indicate an average exposure of 0.12 s/cc during cleaning, a value 60 times higher than the background measurements collected in the same area before the cleaning activity.

Cleaning of Storage Area in an Attic Fully Insulated with Zonolite

Five area air samples were collected before the start of cleaning activities. No asbestos structures were detected in these samples. A concentration of < 0.005 s/cc (limit of detection) was reported. During the cleaning activity the personal exposure measurements for the worker measured by PCM ranged between 2.71 and 3.00 f/cc with a TWA during the 18-minute time period of 2.87 f/cc. During the 18-minute time period the personal exposure measurements for the assistant measured by PCM ranged between < 0.55 and 1.05 f/cc, with a TWA of 0.65 f/cc.

Three sets of three area air samples (nine total) were collected during the cleaning activity and analyzed by TEM. Results were reported for structures greater than 0.5 μ m in length and for structures > 5 μ m in length. The TWA during a 16-minute time period for the three samples in the group closest to the cleaning activity was 0.88 s/cc and 0.61 s/cc. The TWA during a 16-minute time period for the next closest set of three area air samples was 0.61 s/cc and 0.43 s/cc. The TWA during a 16-minute time period for the farthest set of three area air samples was 0.39 s/cc and 0.30 s/cc. The results for the air samples collected for this cleaning activity are summarized in Table 2.

Three surface dust samples collected from the wood boards before cleaning contained 99,200 s/cm², 34,200 s/cm², and 96,600 s/cm². One sample of dust and other fine particles beneath spilled ZAI from a wooden surface contained 1.9 million s/cm².

From these data it may be concluded that persons cleaning an attic directly impacting Zonolite insulation will be exposed to significant concentrations of amphibole asbestos. The worker exposure was measured at almost 1000 times the background samples collected before the cleaning activity.

Cutting a Hole in the Ceiling of a Living Space Below Zonolite Attic Insulation

Prior to cutting the hole in the ceiling a set of three area air samples were collected in a second-floor bedroom. The TEM analysis found an average of 0.023 s/cc and 0.017 s/cc for structures > 5 μ m in length. During the cutting process the worker and the assistant each wore two air sampling pumps for samples to be analyzed by PCM and TEM. Due to the dusty nature of the work, four sequential samples were taken for each pump (16 total). Four sequential samples were also collected at each of three area air sampling locations. These area samples were all analyzed by TEM.

The four PCM samples collected on the worker ranged from 1.42 f/cc to 14 f/cc, with a TWA of 5.8 f/cc during the 26-minute period. The four PCM samples collected on the assistant ranged from 0.81 f/cc to 16 f/cc, with a TWA of 5.4 f/cc during the 28-minute period. The difference between the 26 minute sample set and the 28 minute sample set is due the time needed to change filter cassettes on the sampling pumps.

The four TEM samples collected on the worker ranged from “not detected” (< 0.43 s/cc) to 4.98 s/cc (2.85 s/cc > 5 μ m). The 26-minute TWA for the worker was 2.48 s/cc (1.32 s/cc > 5 μ m). The four TEM samples collected on the assistant ranged from “not detected” to 1.83 s/cc (all structures were > 5 μ m). The 28-minute TWA for the assistant was 0.80 s/cc (> 5 μ m).

The three sets of four TEM area air samples collected in the same room had TWA values of 0.51 s/cc (set 1), 0.57 s/cc (set 2), and 0.77 s/cc (set 3). Considering only structures > 5 μ m, the corresponding values were 0.41 s/cc (set 1), 0.54 s/cc (set 2), and 0.60 s/cc (set 3).

The data demonstrated that peak exposures occurred during the last five minutes of cutting the hole, when approximately 0.8 ft³ of Zonolite spilled from the ceiling to the floor, a distance of about 9'. The TEM personal samples found 4.98 s/cc (2.85 s/cc > 5 μ m) for the worker and 1.83 s/cc (all > 5 μ m) during this phase of the work. The area air samples were similarly elevated during this phase of the work. The air sampling data are summarized in Table 3.

Three bulk samples of ZAI were collected and each found to contain less than 1% amphibole asbestos by PLM. A bulk sample of the ceiling that was cut was also analyzed by PLM for asbestos. The ceiling consisted of wood lathe, hard plaster, finish plaster, 1/4" gypsum wallboard with wallpaper, and a stippled finish coat. Approximately 7% chrysotile asbestos was found in the stippled finish coat. No asbestos was found in the other materials. Accordingly, the ceiling system material cut was less than 1% chrysotile. Only Libby amphiboles were detected in the air samples.

Cutting a plaster/wallboard/wood ceiling is a dusty operation. The PCM method of measuring fiber concentrations in such an atmosphere is not a good pre-

TABLE 3 Summary of Air Sampling Results While Cutting Hole in Ceiling Below Attic with Zonolite Insulation

Sample Location	Number of Samples	PCM TWA	TEM TWA	s/cc > 5 µm	PCME (f/cc)
	n	f/cc	s/cc		
Worker, personal	4,4	5.8	2.48	1.32	1.16
Assistant, personal	4,4	5.4	0.80	0.80	0.50
Area, sample set 1	4	—	0.51	0.41	0.38
Area, sample set 2	4	—	0.57	0.54	0.54
Area, sample set 3	4	—	0.77	0.60	0.56
Area, before activity	3	—	0.023	0.017	0.013

dictor of asbestos exposure. The TEM data provides the best exposure information in this instance since the method can distinguish between asbestos and non-asbestos structures. The use of the direct TEM method to measure asbestos in an atmosphere with considerable non-asbestos dust is a concern.

From this data it may be concluded that persons cutting a hole into a ceiling below Zonolite insulation will be exposed to significant concentrations of amphibole asbestos. The worker exposure was over 100 times the concentration in the background samples collected before the activity.

Moving Aside Zonolite Attic Insulation Using the W. R. Grace & Co. Method¹⁰

Before moving any ZAI three area air samples were collected for TEM analyses. No asbestos structures were detected in these samples. A detection limit of less than 0.002 s/cc is reported.

Personal samples were collected on the worker and the assistant during the activity. Four sequential samples were collected to prevent overloading of the filters for each sample set. Three sets of four area samples (12 total) were collected during this activity. The worker exposure was measured by four PCM samples and four TEM samples. For the assistant, both the PCM and TEM analyses were performed on the PCM filters only since the TEM filters were voided due to a sampling malfunction (crimped sampling tube).

The PCM results for the worker ranged from 4.61 f/cc to 16.24 f/cc, with a 34-minute TWA of 12.5 f/cc. The PCM results for the assistant ranged from 2.29 f/cc

to 4.25 f/cc, with a 34-minute TWA of 3.12 f/cc. The TEM results for the worker ranged from 1.01 s/cc to 10.6 s/cc (1.01 s/cc to 8.58 s/cc > 5 µm), with a 34-minute TWA of 6.29 s/cc (4.85 s/cc > 5 µm). The TEM results for the assistant ranged from 4.35 s/cc to 6.42 s/cc (1.16 s/cc to 4.67 s/cc > 5 µm), with a 34-minute TWA of 5.50 s/cc (2.74 s/cc > 5 µm).

The TEM results for the three sets of area air samples as 34-minute TWAs were 3.78 s/cc (set 1), 1.86 s/cc (set 2), and 1.25 s/cc (set 3). Considering only structures greater than 5 µm, the 34-minute TWAs were 3.17 s/cc (set 1), 1.48 s/cc (set 2), and 0.90 s/cc (set 3). The results for all the area and personal samples are summarized in Table 4.

Moving Aside Zonolite Attic Insulation Using the Homeowner Method

A set of three background samples were collected from the attic before starting the activity. No asbestos structures were detected on these samples, and an average of < 0.003 s/cc was reported. The same sampling protocol was followed as was performed when moving the Zonolite using the Grace method.

The PCM results for the worker ranged from 9.48 f/cc to 18.81 f/cc, with a 31-minute TWA of 14.4 f/cc. The PCM results for the assistant ranged from 0.64 f/cc to 10.4 f/cc, with a 32-minute TWA of 4.98 f/cc. The TEM results for the worker ranged from 11.8 s/cc to 15.0 s/cc (8.4 s/cc to 12.1 s/cc > 5 µm), with a 31-minute TWA of 13.0 s/cc (10.3 s/cc > 5 µm). The TEM results for the assistant ranged from < 0.35 s/cc to 4.23 s/cc (< 0.35 to 3.82 s/cc > 5 µm), with a 32-minute TWA of 2.38 s/cc (1.89 s/cc > 5 µm).

TABLE 4 Summary of Air Sampling Results During Moving Zonolite Attic Insulation Using the W.R. Grace Method

Sample Location	Number of Samples	PCM TWA	TEM TWA	s/cc > 5 µm	PCME (f/cc)
	n	f/cc	s/cc		
Worker, personal	4,4	12.5	6.29	4.85	4.48
Assistant, personal	4	3.12	5.50	2.74	2.74
Area, sample set 1	4	—	3.78	3.17	2.90
Area, sample set 2	4	—	1.86	1.48	1.40
Area, sample set 3	4	—	1.25	0.90	0.82
Area, before activity	3	—	< 0.002	< 0.002	< 0.002

TABLE 5 Summary of Air Sampling Results During Moving Zonolite Attic Insulation Using the Homeowner Method

Sample Location	Number of Samples	PCM TWA	TEM TWA	s/cc >5 µm	PCME (f/cc)
	n	f/cc	s/cc		
Worker, personal	4,4	14.4	13.0	10.3	9.27
Assistant, personal	4	4.98	2.38	1.89	1.75
Area, sample set 1	4	—	1.21	1.07	0.90
Area, sample set 2	4	—	2.00	1.57	1.47
Area, sample set 3	4	—	3.04	2.38	2.26
Area, before activity	3	—	< 0.003	< 0.003	< 0.003

The TEM results for the three sets of area air samples as TWAs were 1.21 s/cc (set 1, 28 minutes), 2.00 s/cc (set 2, 39 minutes), and 3.04 s/cc (set 3, 39 minutes). Considering only structures greater than 5 µm, the TWAs were 1.07 s/cc (set 1), 1.57 s/cc (set 2), and 2.38 s/cc (set 3). The results for the air samples are summarized in Table 5.

The results of sampling during the two methods of moving aside ZAI demonstrated that neither method effectively controls the generation of amphibole asbestos dust. Evaluation of the Grace method found the worker exposure to be 3100 times the levels in the background measurements, and analytical results of the homeowner method indicated the worker exposure to be 4300 times the levels in the background measurements. A review of the workers' individual sample results showed a significant exposure reduction during the last nine minutes of the task using the Grace method. This was likely due to the use of the HEPA-filtered vacuum to remove dust from between the attic floor joists during this time frame. Personal sampling results indicated 18.81 f/cc without the HEPA vacuum and 4.61 f/cc with the HEPA vacuum. A similar reduction was seen in the TEM data. Visually, the air in the vicinity of the HEPA vacuum (and the worker) became clearer. It appears the HEPA vacuum was functioning not only to scrub dust particles from the air, but also to capture dust at the surface.

Both methods of moving ZAI were dusty procedures. However, since much of the airborne fibrous dust was amphibole asbestos, the limitations of using PCM and direct TEM were not as pronounced. In a different attic that might contain ZAI and another product, such as

treated cellulose or mineral wool, interference from non-asbestos fibers would likely make sampling and analysis more challenging since the non-asbestos fibers would be interpreted as asbestos by the PCM method. The TEM method can disregard the non-asbestos fibers, but in a dusty environment may make the analysis difficult, if not impossible. In some instances it may be necessary to use the indirect TEM preparation technique to overcome the overloaded sample.

The use of water to mist the ZAI was not very effective as a dust suppressant. This may have been due to the thickness of the attic insulation and the micaceous product itself. Caution should be used when using water on Zonolite attic insulation. Old and poorly insulated electric wiring is often found in the loose attic fill material. This poses an electric shock hazard.

Removal of Zonolite Attic Insulation with a Shop Vacuum from the Top of Perimeter Wall Cavities

Before beginning the removal of ZAI from the top of perimeter wall cavities, a set of four area air samples were collected to establish the background concentration of asbestos. No asbestos was detected in these samples and the limit of detection values of less than 0.0016 s/cc were reported.

Personal samples were collected on the worker and the assistant during the activity. Four sequential samples were collected to prevent overloading of the filters for each sample set. Four sets of four area samples (16 total) were collected during this activity. The worker's exposure was measured by four PCM samples and four

TABLE 6 Summary of Air Sampling Results During Removal of Zonolite Insulation with a Shop Vacuum from the Top of Wall Cavities

Sample Location	Number of Samples	PCM TWA	TEM TWA	s/cc >5 µm	PCME (f/cc)
	n	f/cc	s/cc		
Worker, personal	4,4	2.90	1.47	0.98	0.97
Assistant, personal	4	2.90	1.69	1.10	1.03
Area, sample set 1	4	—	0.52	0.37	0.32
Area, sample set 2	4	—	0.67	0.45	0.40
Area, sample set 3	4	—	0.89	0.57	0.47
Area, sample set 4	4	—	1.00	0.73	0.63
Area, before activity	4	—	< 0.0016	< 0.0016	< 0.0016

TABLE 7 Summary of Air Sampling Results

Activity Evaluated	Personal Samples			Area Samples	
	f/cc	s/cc	s/cc >5µm	s/cc	s/cc >5 µm
Cleaning items in an attic	1.54	< 0.42	< 0.42	0.08	0.07
Cleaning storage area in an attic	2.87	4.00	2.58	0.63	0.47
Cutting hole in ceiling below ZAI	5.80	2.48	1.32	0.62	0.52
Moving ZAI-manufacturer method	12.5	6.29	4.85	2.30	1.85
Moving ZAI-homeowner method	14.4	13.00	10.30	1.82	1.47
Shop vacuum removal	2.90	1.47	0.98	0.77	0.53
No activity	—	—	—	< 0.003	< 0.003

TEM samples. For the assistant, eight samples were also collected, but the PCM and TEM analyses were performed on the PCM filters (0.8 µm pore size) since the TEM samples were voided due to sampling malfunction (crimped sampling tube).

The PCM results for the worker ranged from 1.19 f/cc to 5.28 f/cc, with a 46-minute TWA of 2.90 f/cc. The PCM results for the assistant ranged from 1.47 f/cc to 4.81 f/cc, with a 46-minute TWA of 2.90 f/cc. The TEM results for the worker ranged from 1.05 s/cc to 2.16 s/cc (0.58 s/cc to 1.32 s/cc, >5 µm), with a 46-minute TWA of 1.47 s/cc (0.98 s/cc, > 5 µm). The TEM results for the assistant ranged from 0.67 s/cc to 2.15 s/cc (<0.67 s/cc to 1.79 s/cc, > 5 µm), with a 46-minute TWA of 1.69 s/cc (1.10 s/cc, > 5 µm).

The TEM results for the four sets of area air samples as TWAs were 0.52 s/cc (set 1, 43 minutes), 0.67 s/cc (set 2, 42 minutes), 0.89 s/cc (set 3, 42 minutes), and 1.00 s/cc (set 4, 45 minutes). Including only structures greater than 5 µm, the TWAs were 0.37 s/cc (set 1), 0.45 s/cc (set 2), 0.57 s/cc (set 3), and 0.73 s/cc (set 4). The results for the air samples are summarized in Table 6.

Just prior to the removal activity, four sheets of aluminum foil were placed on surfaces to collect dust which might settle during the activity and for a period of 20 to 33 minutes following completion of the activity. The total collection time was 65 to 78 minutes. No asbestos structures were found in two of the samples (< 300 s/cc reported as the limit of detection). The other two samples found 300 s/cm² and 700 s/cm² of amphibole asbestos. The data, when viewed together with the area air sampling, indicate that one hour may not be sufficient time to allow for the asbestos structures to settle out of the air.

The worker and the assistant exposure data were very similar for this activity. The likely cause was that the worker and assistant worked together to dump the Zonolite from the vacuum into plastic bags. This was a visually dusty operation.

The data from the use of a standard shop vacuum to remove Zonolite insulation demonstrated that this activity resulted in significant exposure to amphibole asbestos. The worker exposure for this study was found to be 735 times the levels measured in the background samples collected before the activity began.

Additional Observations

All air sampling results from our studies are summarized in Table 7. These studies were limited to only three homes with ZAI. Under contract to the US EPA, Versar, Inc. has also conducted a series of studies to characterize exposures from vermiculite attic insulation.¹⁸ Some of these studies consisted of activities in a small containment, a large containment, and one home in Vermont. The activities they considered were as follows:

1. installing and removing vermiculite attic insulation;
2. performing wiring/small renovations in an attic with vermiculite;
3. using an attic with vermiculite insulation as storage space;
4. living in a house where disturbances to vermiculite insulation occurs; and
5. measuring background levels in a house with vermiculite attic insulation.

Versar conducted air sampling before, during, and after 20 activities. In general, they found significantly increased airborne concentrations when the vermiculite attic insulation was directly disturbed.

Additional studies in other homes evaluating exposures from these types of activities as well as other activities may be helpful. While Versar's studies addressed measured amphibole from asbestos-contaminated vermiculite attic insulation, vermiculite was also commonly used as fill-in for concrete block walls. The authors of this present study are not aware of published studies evaluating exposures from vermiculite filled block walls. This is an area deserving future research.

The EPA has conducted several studies evaluating exposures to ZAI. These studies as well as guidance for homeowners may be found at <http://www.epa.gov/asbestos/pubs/verm.html>. In the US and Canada ZAI was used in homes, with much of the insulation coming from the Libby, MT deposit. To what extent this same material may have been exported outside of these two countries is unknown.

Analyses conducted in the field and on laboratory blank samples indicated there was no systematic con-

tamination of the samples in the field or the laboratory. Samples collected outdoors failed to detect any amphibole asbestos.

The background samples collected in the attics of the three houses indicated that absent any disturbance, there was not an elevated concentration of asbestos in the air. Similar sampling should be conducted in homes during high wind storms. Anecdotal information from at least one homeowner indicates that some Zonolite insulation is blown out from wall cavities under certain circumstances.

Home C had an attic fan that may have been responsible for the displacement of some of the ZAI. Another interesting investigation would be to determine the exposures among occupants in homes with ZAI when attic fans are operating.

CONCLUSIONS

This series of studies indicated that ZAI present in the attic of homes, if undisturbed, seems not to result in elevated exposures. Likewise, the data presented here demonstrated that many routine cleaning, maintenance, and remodeling activities that disturb ZAI can generate significant airborne amphibole asbestos exposures. A review of Tables 2 to 6 demonstrates that the OSHA excursion limit for asbestos of 1 f/cc during any 30-minute period was often exceeded. Depending on the length of the work, the OSHA eight-hour permissible exposure limit (PEL) would often have been exceeded. When such work in attics are performed by homeowners, the OSHA regulations do not apply. This is one of the gaps in regulatory coverage for asbestos.

There is a need to assess what exposures occur during the demolition of homes with ZAI and evaluate control measures that will eliminate or minimize the exposures experienced by workers and the community. A standard protocol for the removal of ZAI from homes should be developed.

Analyses conducted of the bulk ZAI in these homes and other buildings generally results in amphibole asbestos concentrations of less than 1% and often less than 0.1 %. However, the exposure data presented here, and the exposure data from the Manitoba building referenced earlier, demonstrate that significant exposures can still occur. These exposures can be in excess of current regulatory exposure limits.

To what extent these results may be generalized to the disturbance of other materials in buildings with less than 1% asbestos, such as some wall plasters, has not been established. However, it would be prudent to evaluate exposures for materials where asbestos is detected in the bulk samples at any level. One type of Zonolite vermiculite was also used in some fireproofing for structural steel with no added asbestos. We are not aware of any published data evaluating exposures during disturbances of this material. Publication of

such information could assist building owners and managers in reducing future exposures.

Requiring the control of exposures arising from building materials containing less than 1% asbestos has a number of policy implications. Traditionally the regulatory agencies, such as OSHA and EPA, have set a limit of 1% to trigger the identification of a material as "asbestos-containing." With improved analytical techniques, regulatory agencies should revisit the definition of an asbestos-containing material to include some at levels below 1%.

The authors acknowledge the work of the other study participants including Tod A. Dawson (presently with Mactec), Paul Liss of Materials Analytical Services, Inc., Mr. Ron V. Gobbell, and Mr. Pete Cappel of Gobbell Hays Partners, Inc. We recognize the work by the staff of Fulcrum Environmental Consulting and IRS Environmental for their assistance during the field work and during the post-study remediation work. Lastly, we acknowledge the assistance and cooperation of the homeowners who permitted us access to their homes and agreed to temporarily relocate to allow the study to proceed. This work would not have been possible without their cooperation.

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Sullivan, Tim

From: Courtnage, Robert
Sent: Thursday, January 24, 2013 11:19 AM
To: Bryson, James M.
Cc: Bishop, Everett; Simons, Tom
Subject: Re: FYI-: vermiculite - information sent out by CT

Hey Jim-

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-Robert

Robert T. Courtnage
National Program Chemicals Division
Office of Chemical Safety and Pollution Prevention
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From: Jamesm Bryson/R1/USEPA/US
To: Everett Bishop/DC/USEPA/US@EPA, Robert Courtnage/DC/USEPA/US@EPA
Date: 01/23/2013 04:03 PM
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James M. Bryson, Environmental Specialist
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To Report a Violation of Lead Paint Rules in New England

<http://www.epa.gov/region1/enforcement/leadpaint/RenovationRepairPaintComplaintForm.html>

----- Forwarded by Jamesm Bryson/R1/USEPA/US on 01/23/2013 03:54 PM -----

From: "Day, Kristen" <Kristen.Day@po.state.ct.us>
To: "lou@encoct.com" <lou@encoct.com>,
Cc: "Skomro, Ronald" <Ron.Skomro@po.state.ct.us>, "Stapleton, William" <William.Stapleton@po.state.ct.us>, Jamesm Bryson/R1/USEPA/US@EPA
Date: 01/23/2013 02:40 PM
Subject: FW: vermiculite

<http://toxics.supportportal.com/ics/support/KBAnswer.asp?questionID=33716&hitOffset=139+40+25+2&docID=2429>

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Attachments previously provided

Phone: 617-918-1524; Fax: 617-918-0524; Email: bryson.jamesm@epa.gov

Sullivan, Tim

From: Bishop, Everett
Sent: Friday, January 25, 2013 10:12 AM
To: Strickland, Ann
Subject: Fw: Re: FYI-: vermiculite - information sent out by CT
Attachments: Pueblo_House_Final_report_VAI_Eval_8-21-08[1].doc; 162_zonolite_attic_insulation_exposure_studies.pdf; Image.1359126716769.gif; Image.1359126716770.gif; Image.1359126716772.gif

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From: Robert Courtnage/DC/USEPA/US
Date: 01/24/2013 11:18AM
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(See attached file: Pueblo_House_Final_report_VAI_Eval_8-21-08[1].doc)(See attached file: 162_zonolite_attic_insulation_exposure_studies.pdf)

Sullivan, Tim

From: Strickland, Ann
Sent: Friday, January 25, 2013 10:22 AM
To: Bishop, Everett
Subject: Re: Fw: Re: FYI-: vermiculite - information sent out by CT

Thanks so much Everett! I'll look at this later today.

(b) (5)



Ann

Ann Strickland
Attorney/Advisor
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1200 Pennsylvania Avenue, NW
Washington, DC 20460
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-----Everett Bishop/DC/USEPA/US@EPA wrote: -----

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To: Ann Strickland/DC/USEPA/US@EPA
From: Everett Bishop/DC/USEPA/US@EPA
Date: 01/25/2013 10:11AM
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Cc: "Skomro, Ronald" <Ron.Skomro@po.state.ct.us>, "Stapleton, William" <William.Stapleton@po.state.ct.us>, Jamesm Bryson/R1/USEPA/US@EPA

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Sullivan, Tim

From: Strickland, Ann
Sent: Friday, January 25, 2013 10:37 AM
To: Bishop, Everett
Subject: Re: Fw: Re: FYI-: vermiculite - information sent out by CT

Oh arghhh.

(b) (5)





Ann

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Ann -

Here is the email train on the vermiculite issue posed by Jim Bryson in Region 1.

Also, another web address that allows you to view your mail just as you were sitting at your desk, but does not need any other hardware (AAA) is <http://workplace.epa.gov>

Everett Bishop
Office of Compliance
US EPA
phone: 202.564.7032
fax: 202.564.0050
email: bishop.everett@epa.gov

-----Forwarded by Everett Bishop/DC/USEPA/US on 01/25/2013 10:08AM -----
To: Jamesm Bryson/R1/USEPA/US@EPA

From: Robert Courtnage/DC/USEPA/US

Date: 01/24/2013 11:18AM

Cc: Everett Bishop/DC/USEPA/US@EPA, Tom Simons/DC/USEPA/US@EPA

Subject: Re: FYI-: vermiculite - information sent out by CT

Hey Jim-

I just left you a voicemail. Feel free to give me a call back.

-Robert

Robert T. Courtnage
National Program Chemicals Division
Office of Chemical Safety and Pollution Prevention U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202.566.1081

Jamesm Bryson---01/23/2013 04:03:12 PM---Everett, Robert: In absence of a letter from HQ, the existing reports FAQ's and guidance do send mi

From: Jamesm Bryson/R1/USEPA/US

To: Everett Bishop/DC/USEPA/US@EPA, Robert Courtnage/DC/USEPA/US@EPA

Date: 01/23/2013 04:03 PM

Subject: FYI-: vermiculite - information sent out by CT

Everett, Robert:

(b) (5)

If vermiculite insulation bulk samples analyzed by standard polarized-light microscopy (PLM) analysis is found to be negative for asbestos, can schools treat the vermiculite as a non-asbestos containing material under the Asbestos Hazard Emergency Response Act (AHERA)?

Vermiculite insulation containing less than 1 percent asbestos does not qualify as asbestos containing material (ACM) under AHERA and the asbestos in schools rule. If standard PLM analysis, ensuring that bulk samples comply with sampling requirements as laid out in 40 CFR part 763.86 and that subsequent analysis of such samples complies with analysis requirements set forth in 40 CFR part 763.87, concludes that a material contains less than 1 percent asbestos, then it is not ACM. As the Environmental Protection Agency (EPA) has recommended in its guidance to homeowners the school may wish to treat the vermiculite insulation as containing asbestos before taking any actions that might disturb it.

James M. Bryson, Environmental Specialist Toxics and Pesticides Unit US EPA Region 1 (New England) Office of Environmental Stewardship
5 Post Office Square, Suite 100 (OES-05-4) Boston, MA 02109-3912

PHONE: 617-918-1524

FAX: 617-918-0524

EMAIL: bryson.jamesm@epa.gov

To Report a Violation of Lead Paint Rules in New England

<http://www.epa.gov/region1/enforcement/leadpaint/RenovationRepairPaintComplaintForm.html>

----- Forwarded by Jamesm Bryson/R1/USEPA/US on 01/23/2013 03:54 PM -----

From: "Day, Kristen" <Kristen.Day@po.state.ct.us>

To: "lou@encoct.com" <lou@encoct.com>,

Cc: "Skomro, Ronald" <Ron.Skomro@po.state.ct.us>, "Stapleton, William" <William.Stapleton@po.state.ct.us>, Jamesm Bryson/R1/USEPA/US@EPA

Date: 01/23/2013 02:40 PM

Subject: FW: vermiculite

<http://toxics.supportportal.com/ics/support/KBAAnswer.asp?questionID=33716&hitOffset=139+40+25+2&docID=2429>

I believe this is the letter I have in the office- I will try to find it and scan it tomorrow to send to you.

I have been reading the attached articles and the EPA Shaul method (2004)

<http://nepis.epa.gov/Exe/ZyNET.exe/P100721B.txt?ZyActionD=ZyDocument&Client=EPA&Index=2011%20Thru%202015%207C2006%20Thru%202010%207C2000%20Thru%202005%207CHardcopy%20Publications&Docs=&Query=vermiculite%20&Time=&EndTime=&SearchMethod=2&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C00THRU05%5CTXT%5C00000023%5CP100721B.txt&User=ANONYMOUS&Password=anonymous&SortMethod=-%207Ch&MaximumDocuments=15&FuzzyDegree=0&ImageQuality=r85g16/r85g16/x150y150g16/i500&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x>

(if you can't open the link just go to

<http://www.epa.gov/nscep/index.html> and search vermiculite --uncheck all the older than 2005 documents) and I believe we are consistent with all vermiculite should be treated as ACM regardless of the testing results. Just look at the PCME (pcm equivalent) levels with activities performed (routine household such as vacuuming) when the lab bulk results were "trace" or 1% amphibole.

(See attached file: Pueblo_House_Final_report_VAI_Eval_8-21-08[1].doc)(See attached file: 162_zonolite_attic_insulation_exposure_studies.pdf)

[attachment(s) Pueblo_House_Final_report_VAI_Eval_8-21-08[1].doc,162_zonolite_attic_insulation_exposure_studies.pdf removed by Ann Strickland/DC/USEPA/US]

Sullivan, Tim

From: Simpson, Julie
Sent: Thursday, February 14, 2013 8:51 AM
To: Havinga, Al; Berman, Joanne
Cc: Bishop, Everett
Subject: AHERA CA letter

Could you please take a look at this (b) (5)

goes to Ann and Rick. Thanks -- I thought you guys should see it before it



Attachment withheld - (b)(5)

DRAFT OECA
National CA lett...

Julie Simpson, Chief
Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance/OECA
U.S. Environmental Protection Agency
(202) 566-1980

Re: Fw: AACM Draft Letters - (b) (5)

(b) (5)

Please let me know if you have any questions, and thank you for your assistance, Ann

Ann Strickland
Attorney/Advisor
Office of Enforcement and Compliance Assurance US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Mailcode 2201-A
Tel: (202) 564-6224

-----Stephen Hess/DC/USEPA/US@EPA wrote: -----

=====
To: Ann Strickland/DC/USEPA/US@EPA
From: Stephen Hess/DC/USEPA/US@EPA
Date: 02/14/2013 04:52PM
Cc: Steve Anderson/DC/USEPA/US@EPA, Rick Duffy/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Richard Feldman/DC/USEPA/US@EPA
Subject: Fw: AACM Draft Letters - (b) (5)

=====
Ann - Below is the information we discussed on authority for funding health programs. (b) (5)

Please let me know if I can be of any assistance as this matter moves forward. Steve.

Stephen Hess
U.S. EPA, Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Room 7426 C, Mail Code 2399A
Washington, D.C. 20460
Phone: 202-564-5461

----- Forwarded by Stephen Hess/DC/USEPA/US on 02/14/2013 04:44 PM -----

From: Richard Feldman/DC/USEPA/US
To: Stephen Hess/DC/USEPA/US@EPA
Date: 01/31/2013 10:47 AM
Subject: Fw: Westlaw Results : (b) (5)

(b) (5)

Richard Feldman

Assistant General Counsel and Claims Officer Claims, Property and Appropriations Law Practice Group Civil Rights and Finance Law Office (2399A) Office of General Counsel US EPA

Phone :202-564-5434 Fax: 202-564-5432

-

[attachment(s) Westlaw_Document_11_49_44.doc removed by Ann Strickland/DC/USEPA/US]

Sullivan, Tim

From: Hess, Stephen
Sent: Friday, February 15, 2013 5:30 PM
To: Strickland, Ann
Cc: Garbow, Avi; Bishop, Everett; Feldman, Richard; Duffy, Rick; Anderson, Steve
Subject: Re: Fw: AACM Draft Letters - (b) (5)

Ann - Thanks for the message. (b) (5)

Could you send me the version of the letter you are proposing. (b) (5) Thanks. Steve.

Stephen Hess
U.S. EPA, Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Room 7426 C, Mail Code 2399A
Washington, D.C. 20460
Phone: 202-564-5461

-----Ann Strickland/DC/USEPA/US wrote: -----

To: Stephen Hess/DC/USEPA/US@EPA
From: Ann Strickland/DC/USEPA/US
Date: 02/15/2013 02:37PM
Cc: Steve Anderson/DC/USEPA/US@EPA, Rick Duffy/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Richard Feldman/DC/USEPA/US@EPA, Everett Bishop/DC/USEPA/US@EPA
Subject: Re: Fw: AACM Draft Letters - (b) (5)

Hello Stephen

Thanks so much for your note, as well as your time on the phone yesterday to discuss the AACM experiments conducted by ORD and Region 6 at Ft. Chaffee, Arkansas and in Ft. Worth, Texas. (b) (5)

(b) (5)

[REDACTED]

Please let me know if you have any questions, and thank you for your assistance,
Ann

Ann Strickland
Attorney/Advisor
Office of Enforcement and Compliance Assurance
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Mailcode 2201-A
Tel: (202) 564-6224

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Garbow/DC/USEPA/US@EPA, Richard Feldman/DC/USEPA/US@EPA
Subject: Fw: AACM Draft Letters - (b) (5)

[REDACTED]

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[REDACTED]

Please let me know if I can be of any assistance as this matter moves
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Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Room 7426 C, Mail Code 2399A

Washington, D.C. 20460

Phone: 202-564-5461

----- Forwarded by Stephen Hess/DC/USEPA/US on 02/14/2013 04:44 PM -----

From: Richard Feldman/DC/USEPA/US

To: Stephen Hess/DC/USEPA/US@EPA

Date: 01/31/2013 10:47 AM

Subject: Fw: Westlaw Results : (b) (5)

Richard Feldman

Assistant General Counsel and Claims Officer

Claims, Property and Appropriations Law Practice Group

Civil Rights and Finance Law Office (2399A)

Office of General Counsel

US EPA

Phone :202-564-5434

Fax: 202-564-5432

-

[attachment(s) Westlaw_Document_11_49_44.doc removed by Ann Strickland/DC/USEPA/US]

Sullivan, Tim

From: asbestos-l-request@ncsl.org on behalf of Doug Farquhar <doug.farquhar@ncsl.org>
Sent: Tuesday, February 19, 2013 2:43 PM
To: asbestos-l@ncsl.org
Subject: FW: News Release: EPA fines six Arizona school districts for asbestos violations
Attachments: ATT00001.txt

Doug Farquhar, J.D.
Program Director for Environmental Health, Agriculture and Trade
National Conference of State Legislatures
Denver, CO
303.856.1397
303.364.7700
doug.farquhar@ncsl.org

From: U.S. EPA [mailto:usaepa@govdelivery.com]
Sent: Tuesday, February 19, 2013 12:37 PM
To: doug.farquhar@ncsl.org
Subject: News Release: EPA fines six Arizona school districts for asbestos violations

For Immediate Release: Feb 19, 2013

Contact: Rusty Harris-Bishop, 415-972-3140, harris-bishop.rusty@epa.gov

EPA fines six Arizona school districts for asbestos violations

More than 15,000 students to be protected by additional inspections, asbestos plans

SAN FRANCISCO -- The U.S. Environmental Protection Agency has fined six Arizona school districts a combined total of \$94,575 for Asbestos Hazard Emergency Response Act (AHERA) violations. More than 15,000 children attend the 25 schools not in compliance with the federal AHERA in these districts.

During inspections conducted in 2011, EPA inspectors discovered numerous violations, from failing to inspect facilities for asbestos containing materials, failing to re-inspect campuses with known asbestos containing materials, and failing to have an Asbestos Management Plan. All of the school districts have since taken necessary actions to comply with the law, with the cost of compliance reducing the penalties in most cases to zero.

“Asbestos in schools has the potential to harm the health of students, teachers, and maintenance workers,” said Jared Blumenfeld, EPA’s Regional Administrator for the Pacific Southwest. “EPA takes these violations seriously, and we are satisfied the schools have now conducted inspections and put their asbestos plans in place.”

Each school district is allowed to subtract properly documented costs of complying with the regulations from the penalty amount. The six school districts are:

- **Apache Junction Unified School District** (Pinal County): fined \$21,675, but this was reduced to \$7,933 because of the school district’s

- **Florence Unified School District** (Pinal County): fined \$31,705, but no cash payment was due because the documented costs of compliance exceeded the penalty.
- **St. John's Unified School District** (Apache County): fined \$14,195, reduced to \$824 by the school district's cost of achieving compliance.
- **Vernon Elementary School District** (Apache County): fined \$2,700, but no cash payment was due because the documented costs of compliance exceeded the penalty.
- **McNary Elementary School District** (Fort Apache Indian Reservation): fined \$14,200, but no cash payment was due because the documented costs of compliance exceeded the penalty.
- **Round Valley Unified School District** (Apache County): fined \$10,100, but no cash payment was due because the documented costs of compliance exceeded the penalty.

Federal law requires schools to conduct an initial inspection using accredited inspectors to determine if asbestos-containing building material is present and develop a management plan to address the asbestos materials found in the school buildings. Schools are also required to appoint a designated person who is trained to oversee asbestos activities and ensure compliance with federal regulations. Finally, schools must conduct periodic surveillance and re-inspections of asbestos-containing building material, properly train the maintenance and custodial staff, and maintain records in the management plan.

Local education agencies must keep an updated copy of the management plan in its administrative office and at the school which must be made available for inspection by parents, teachers, and the general public.

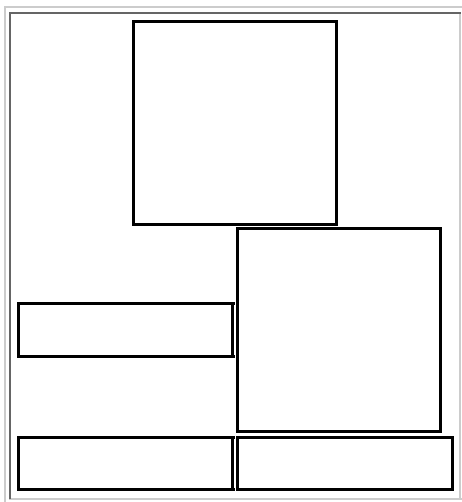
For more information about federal asbestos regulations visit: <http://www.epa.gov/asbestos/lawsregs.html>

###



You can view or update your subscriptions or e-mail address at any time on your [Subscriber Preferences Page](#). All you will need is your e-mail address. If you have any questions or problems e-mail support@govdelivery.com for assistance.

This service is provided to you at no charge by [U.S. Environmental Protection Agency](#).





***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named

image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Sullivan, Tim

From: Strickland, Ann
Sent: Wednesday, February 20, 2013 5:06 PM
To: Duffy, Rick
Cc: Bishop, Everett
Subject: RE: Fw: AACM Draft Letters - (b) (5)
Attachments: Draft AACM Letter -- EPA Employees (2.20.13) .doc; Draft AACM Letter -- EPA Contractors (2.20.13) .doc Attachments withheld - (b)(5)

Rick

Attached are the latest revised versions of the letters to go to EPA employees and contractors who observed and participated in the AACM experiments at Ft. Chaffee, Arkansas and in Ft. Worth, Texas. (b) (5)

[REDACTED]

[REDACTED]

(And, please let me know if the attachments do not make it to you. I'm just getting the hang of the new email system....)

Ann

From: Duffy, Rick
Sent: Wednesday, February 20, 2013 10:50 AM
To: Strickland, Ann
Subject: FW: Fw: AACM Draft Letters - (b) (5)

From: Hess, Stephen
Sent: Friday, February 15, 2013 5:30 PM
To: Strickland, Ann
Cc: Garbow, Avi; Bishop, Everett; Feldman, Richard; Duffy, Rick; Anderson, Steve
Subject: Re: Fw: AACM Draft Letters - (b) (5)

Ann - Thanks for the message. (b) (5)

[REDACTED]

Could you send me the version of the letter you are proposing. (b) (5) Thanks. Steve.

Stephen Hess
U.S. EPA, Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Room 7426 C, Mail Code 2399A
Washington, D.C. 20460
Phone: 202-564-5461

-----Ann Strickland/DC/USEPA/US wrote: -----

To: Stephen Hess/DC/USEPA/US@EPA

From: Ann Strickland/DC/USEPA/US

Date: 02/15/2013 02:37PM

Cc: Steve Anderson/DC/USEPA/US@EPA, Rick Duffy/DC/USEPA/US@EPA, Avi

Garbow/DC/USEPA/US@EPA, Richard Feldman/DC/USEPA/US@EPA, Everett Bishop/DC/USEPA/US@EPA

Subject: Re: Fw: AACM Draft Letters - (b) (5)

Hello Stephen

Thanks so much for your note, as well as your time on the phone yesterday to discuss the AACM experiments conducted by ORD and Region 6 at Ft. Chaffee, Arkansas and in Ft. Worth, Texas. (b) (5)

(b) (5)

Please let me know if you have any questions, and thank you for your assistance,
Ann

Ann Strickland
Attorney/Advisor
Office of Enforcement and Compliance Assurance
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Mailcode 2201-A
Tel: (202) 564-6224

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To: Ann Strickland/DC/USEPA/US@EPA
From: Stephen Hess/DC/USEPA/US@EPA
Date: 02/14/2013 04:52PM
Cc: Steve Anderson/DC/USEPA/US@EPA, Rick Duffy/DC/USEPA/US@EPA, Avi
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----- Forwarded by Stephen Hess/DC/USEPA/US on 02/14/2013 04:44 PM -----

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To: Stephen Hess/DC/USEPA/US@EPA
Date: 01/31/2013 10:47 AM
Subject: Fw: Westlaw Results : (b) (5)

(b) (5)

Richard Feldman
Assistant General Counsel and Claims Officer
Claims, Property and Appropriations Law Practice Group
Civil Rights and Finance Law Office (2399A)
Office of General Counsel

US EPA

Phone :202-564-5434

Fax: 202-564-5432

-

[attachment(s) Westlaw_Document_11_49_44.doc removed by Ann Strickland/DC/USEPA/US]

Sullivan, Tim

From: Duffy, Rick
Sent: Thursday, February 21, 2013 10:14 AM
To: Strickland, Ann; Bishop, Everett; Garlow, Charlie; Fisher, Mike
Subject: FW: Fw: AACM Draft Letters - (b) (5)
Attachments: Draft AACM Letter -- EPA Employees (2.20.13) .doc; Draft AACM Letter -- EPA Contractors (2.20.13) .doc Attachments withheld - (b)(5)

FYI.

From: Duffy, Rick
Sent: Thursday, February 21, 2013 10:12 AM
To: Chester, Steven; Lund, Lisa
Subject: FW: Fw: AACM Draft Letters - 5 USC 7901 and 57 COMP. GEN. 62--info on paying for initial screening

Steve –

(b) (5)



Please let me know if there is anything else that you need me to do regarding these letters.

Rick

Rick Duffy, Deputy Director
Monitoring, Assistance and Media Programs Division
Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460
(202) 564-5014 (phone)
(202) 564-0050 (fax)

From: Strickland, Ann
Sent: Wednesday, February 20, 2013 5:06 PM

To: Duffy, Rick
Cc: Bishop, Everett
Subject: RE: Fw: AACM Draft Letters - (b) (5)

Rick

Attached are the latest revised versions of the letters to go to EPA employees and contractors who observed and participated in the AACM experiments at Ft. Chaffee, Arkansas and in Ft. Worth, Texas. (b) (5)

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[REDACTED]

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Ann

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Stephen Hess
U.S. EPA, Office of General Counsel
1200 Pennsylvania Avenue, N.W.
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Subject: Re: Fw: AACM Draft Letters - (b) (5)

[REDACTED]

Hello Stephen

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Please let me know if you have any questions, and thank you for your assistance,
Ann

Ann Strickland
Attorney/Advisor
Office of Enforcement and Compliance Assurance
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Mailcode 2201-A
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Date: 01/31/2013 10:47 AM
Subject: Fw: Westlaw Results : (b) (5)

(b) (5)

Richard Feldman
Assistant General Counsel and Claims Officer
Claims, Property and Appropriations Law Practice Group
Civil Rights and Finance Law Office (2399A)
Office of General Counsel
US EPA

Phone :202-564-5434 Fax: 202-564-5432

-
[attachment(s) Westlaw_Document_11_49_44.doc removed by Ann Strickland/DC/USEPA/US]

Sullivan, Tim

From: Duffy, Rick
Sent: Monday, February 25, 2013 10:11 AM
To: Strickland, Ann; Bishop, Everett
Subject: FW: Fw: AACM Draft Letters - (b) (5)

FYI.

From: Anderson, Steve
Sent: Monday, February 25, 2013 10:01 AM
To: Duffy, Rick
Cc: Blake, Wendy
Subject: RE: Fw: AACM Draft Letters - (b) (5)

(b) (5)

Steven M. Anderson
U.S. EPA | Office of General Counsel
Pesticides and Toxic Substances Law Office &
Air and Radiation Law Office | Attorney-Advisor
Ariel Rios North | Room 7426K | (202) 564-3137

NOTICE: This communication and any attachment(s) may contain deliberative, privileged or other confidential information. Do not release under FOIA without appropriate review.

From: Duffy, Rick
Sent: Monday, February 25, 2013 9:53 AM
To: Anderson, Steve
Cc: Blake, Wendy
Subject: RE: Fw: AACM Draft Letters - (b) (5)

(b) (5)

From: Anderson, Steve
Sent: Monday, February 25, 2013 9:43 AM
To: Duffy, Rick
Cc: Blake, Wendy
Subject: RE: Fw: AACM Draft Letters - (b) (5)

Thanks. (b) (5)

Steven M. Anderson
U.S. EPA | Office of General Counsel
Pesticides and Toxic Substances Law Office &
Air and Radiation Law Office | Attorney-Advisor

NOTICE: This communication and any attachment(s) may contain deliberative, privileged or other confidential information. Do not release under FOIA without appropriate review.

From: Duffy, Rick
Sent: Monday, February 25, 2013 9:35 AM
To: Anderson, Steve
Cc: Blake, Wendy
Subject: FW: Fw: AACM Draft Letters - (b) (5)

Steve –

(b) (5)



Rick

From: Duffy, Rick
Sent: Thursday, February 21, 2013 10:12 AM
To: Chester, Steven; Lund, Lisa
Subject: FW: Fw: AACM Draft Letters - (b) (5)

Steve –

(b) (5)





Please let me know if there is anything else that you need me to do regarding these letters.

Rick

Rick Duffy, Deputy Director
Monitoring, Assistance and Media Programs Division
Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

(202) 564-5014 (phone)

(202) 564-0050 (fax)

From: Strickland, Ann

Sent: Wednesday, February 20, 2013 5:06 PM

To: Duffy, Rick

Cc: Bishop, Everett

Subject: RE: Fw: AACM Draft Letters - (b) (5)

Rick

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[REDACTED]

[REDACTED]

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Ann

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Sent: Wednesday, February 20, 2013 10:50 AM

To: Strickland, Ann

Subject: FW: Fw: AACM Draft Letters - (b) (5)

From: Hess, Stephen

Sent: Friday, February 15, 2013 5:30 PM

To: Strickland, Ann

Cc: Garbow, Avi; Bishop, Everett; Feldman, Richard; Duffy, Rick; Anderson, Steve

Subject: Re: Fw: AACM Draft Letters - (b) (5)

Ann - Thanks for the message. (b) (5)

[REDACTED]

Could you send me the version of the letter you are proposing. (b) (5)

[REDACTED] Thanks. Steve.

Stephen Hess

U.S. EPA, Office of General Counsel

1200 Pennsylvania Avenue, N.W.

Room 7426 C, Mail Code 2399A

Washington, D.C. 20460

Phone: 202-564-5461

-----Ann Strickland/DC/USEPA/US wrote: -----

To: Stephen Hess/DC/USEPA/US@EPA

From: Ann Strickland/DC/USEPA/US

Date: 02/15/2013 02:37PM

Cc: Steve Anderson/DC/USEPA/US@EPA, Rick Duffy/DC/USEPA/US@EPA, Avi

Garbow/DC/USEPA/US@EPA, Richard Feldman/DC/USEPA/US@EPA, Everett Bishop/DC/USEPA/US@EPA

Subject: Re: Fw: AACM Draft Letters - (b) (5)

Hello Stephen

Thanks so much for your note, as well as your time on the phone yesterday to discuss the AACM experiments conducted by ORD and Region 6 at Ft. Chaffee, Arkansas and in Ft. Worth, Texas. (b) (5)

(b) (5)

Please let me know if you have any questions, and thank you for your assistance,
Ann

Ann Strickland
Attorney/Advisor
Office of Enforcement and Compliance Assurance
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Mailcode 2201-A
Tel: (202) 564-6224

-----Stephen Hess/DC/USEPA/US@EPA wrote: -----

=====
To: Ann Strickland/DC/USEPA/US@EPA
From: Stephen Hess/DC/USEPA/US@EPA
Date: 02/14/2013 04:52PM
Cc: Steve Anderson/DC/USEPA/US@EPA, Rick Duffy/DC/USEPA/US@EPA, Avi
Garbow/DC/USEPA/US@EPA, Richard Feldman/DC/USEPA/US@EPA
Subject: Fw: AACM Draft Letters - (b) (5)

=====
Ann - Below is the information we discussed on authority for funding health
programs. (b) (5)

Please let me know if I can be of any assistance as this matter moves
forward. Steve.

Stephen Hess
U.S. EPA, Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Room 7426 C, Mail Code 2399A
Washington, D.C. 20460
Phone: 202-564-5461

----- Forwarded by Stephen Hess/DC/USEPA/US on 02/14/2013 04:44 PM -----

From: Richard Feldman/DC/USEPA/US
To: Stephen Hess/DC/USEPA/US@EPA
Date: 01/31/2013 10:47 AM
Subject: Fw: Westlaw Results : (b) (5)

(b) (5)

Richard Feldman
Assistant General Counsel and Claims Officer
Claims, Property and Appropriations Law Practice Group
Civil Rights and Finance Law Office (2399A)
Office of General Counsel
US EPA

Phone :202-564-5434

Fax: 202-564-5432

-

[attachment(s) Westlaw_Document_11_49_44.doc removed by Ann Strickland/DC/USEPA/US]

Sullivan, Tim

From: Bryson, James M.
Sent: Monday, March 11, 2013 10:45 AM
To: Bishop, Everett
Subject: FW: MA AHERA WAIVER FR NOTICES- FYI
Attachments: ma-waiver-JUNE-24-1998.pdf; MA- Waiver-final.pdf

Importance: High

Everett,

(b) (5)



When MA became a waiver state in 1998, they were deemed by the EPA to be as stringent as 40 CFR PART 763 Subpart E, which is inclusive of all the Appendixes: Appendix A TEM; Appendix B Worker Protection Rule; Appendix C MAP; Appendix D Transport of Asbestos Waste; and Appendix E Bulk Sampling.

As stated in out FR Notice: June 24, 1998:

2. The State's program of asbestos inspection and management in schools relating to the waiver request and implementation of the program will be at least as stringent as the requirements of 40 CFR part 763, subpart E. On August 25, 1997, Massachusetts adopted the requirements of 40 CFR part 763, subpart E in their entirety, with the exception of §§ 763.97 and 763.98, into the Massachusetts Department of Labor and Workforce Development Regulation No. 453 CMR 6.00 "The Removal, Containment or Encapsulation of Asbestos School Requirements." The State indicated in its August 25, 1997

letter that it intends to administer these regulations in a manner that will be at least as stringent as the requirements of 40 CFR part 763, subpart E.

As stated in the Final FR Approval in the October 27, 1998 FR Notice:

Accordingly, EPA grants the Commonwealth of Massachusetts a waiver from the requirements of 40 CFR part 763, subpart E, effective October 24, 1998. Federal jurisdiction shall be in effect in the period between the date of publication of this document and that date. This will assure that the State has sufficient time to prepare to assume its new responsibilities. It will also assure the public that no gap in authority occurs, and gives the public sufficient notice of the transfer of duties from EPA to the State of Massachusetts. This waiver is applicable to all schools covered by AHERA in the State. This waiver is subject to rescission under 40 CFR 763.98(j) based on periodic EPA oversight evaluation and conference with the State in accordance with 40 CFR 763.98(h) and (i).

I have included the two FR Notices for your information.

(b) (5)

Sincerely,

James M. Bryson

James M. Bryson, Environmental Specialist
Toxics and Pesticides Unit
US EPA Region 1 (New England)
Office of Environmental Stewardship
5 Post Office Square, Suite 100 (OES-05-4)
Boston, MA 02109-3912

PHONE: 617-918-1524

FAX: 617-918-0524

EMAIL: bryson.jamesm@epa.gov

To Report a Violation of Lead Paint Rules in New England

<http://www.epa.gov/region1/enforcement/leadpaint/RenovationRepairPaintComplaintForm.html>

To: Bryson, James M.

Subject: FW: MA AHERA WAIVER FR NOTICES- FYI _

Importance: High

Hi Jim

We are looking into if DLS has the authority to enforce the Worker Protection Rule for Public employees. We are looking at the Federal Register Notice to see if the delegation we received at that time includes delegation of the WPR, which I understand came out after our delegation.

Please get back to me when you can.

Thanks

Brian

Brian T. Wong
Chief, Investigations & Enforcement Unit
Department of Labor Standards
19 Staniford Street, 2nd Floor
Boston, MA 02114
Tel: (617) 626-6961
Fax: (617) 626-6965
Email: brian.wong@state.ma.us
Website: www.mass.gov/dols or www.mass.gov/leadsafe

From: Bryson.Jamesm@epamail.epa.gov [<mailto:Bryson.Jamesm@epamail.epa.gov>]
Sent: Friday, January 11, 2013 9:30 AM
To: Wong, Brian (DLS); Rowe, Heather (DLS)
Subject: MA AHERA WAIVER FR NOTICES- FYI _
Importance: High

Brain, Heather:

I have received your Email that you sent to Sharon regarding the MA DEP Asbestos Regulation. I know EPA has some issues with certain parts which pertain to specific NESHAP not recommended procedures which MA DEP may want to employ. However I understand that you have concerns that there may be certain elements of the MADEP rule that may impact the Commonwealth's Ability to carry out the AHERA Waiver. Can you please send me these specific concerns so I can present them to our regulatory review team. We would like to present them to MADEP before the end of their Public Comment Period.

Just for more information her the two FR Notices concerning the AHERA Waiver submittal and approval.

EPA issued a notice in the **Federal Register** of June 24, 1998 (63 FR 34348; FRL-5762-3), which announced the receipt of a waiver request from the Commonwealth of Massachusetts, and solicited comments from the public.
(See attached file: *ma-waiver-JUNE-24-1998.pdf*)

EPA is issued a final decision which approves the request of the Commonwealth of Massachusetts for a waiver from the requirements of 40 CFR part 763, subpart E, Asbestos-Containing Materials in Schools, based on a formal assurance to EPA that Massachusetts has an asbestos accreditation program at least as stringent as the EPA's Asbestos Model Accreditation Plan. **EFFECTIVE DATE:** August 24, 1998.

(See attached file: *MA- Waiver-final.pdf*)

procedures to certify contact-handled stored TRU waste. The "INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan" sets forth the quality assurance program that the DOE purports to comply with the requirements of § 194.22. After the EPA reviews these documents for adequacy, the EPA will conduct an inspection of a DOE audit of the site to determine whether the requirements set out in these documents are being adequately implemented in accordance with Conditions 2 and 3 of the EPA's WIPP certification decision (Appendix A to 40 CFR Part 194). In accordance with § 194.8 of the WIPP compliance criteria, the EPA is providing the public 30 days to comment on the documents placed in the EPA's docket relevant to the site approval process.

If the EPA determines that the provisions in the documents are adequately implemented, the EPA will notify the DOE by letter and place the letter in the official Air Docket in Washington, D.C., and in the informational docket locations in New Mexico. A positive approval letter will allow the DOE to begin shipping TRU waste from INEEL. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the EPA's radioactive waste disposal standards (40 CFR Part 191), the compliance criteria (40 CFR Part 194), and the EPA's certification decision is filed in the official EPA Air Docket, Dockets No. R-89-01, A-92-56, and A-93-02, respectively, and is available for review in Washington, D.C., and at the three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, D.C., plus those documents added to the official Air Docket after the October 1992 enactment of the WIPP LWA.

Dated: June 16, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98-16798 Filed 6-23-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPPTS-62155; FRL-5762-3]

Asbestos-Containing Materials in Schools; State Request for Waiver from Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed waiver.

SUMMARY: EPA has received from the Commonwealth of Massachusetts a request for a waiver from the requirements of 40 CFR part 763, subpart E, Asbestos-Containing Materials in Schools regulations. This document announces an opportunity for public review and comment on the Massachusetts waiver request.

DATES: Comments on the waiver request must be received by July 24, 1998.

ADDRESSES: Written comments must be sent in triplicate, identified by the docket control number OPPTS-62155 to: James M. Bryson, Regional Abatement Coordinator, Environmental Protection Agency, Office of Ecosystem Protection, CPT Region 1, John F. Kennedy Federal Building, Boston, MA 02203-0001. Copies of the Massachusetts waiver request are on file and may be reviewed at the EPA Region I Office.

Comments and data may also be submitted electronically to bryson.jamesm@epamail.epa.gov. Follow the instructions under SUPPLEMENTARY INFORMATION of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this document. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: James M. Bryson at 617-565-3836.

SUPPLEMENTARY INFORMATION: This document is issued under the authority of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2641, *et seq.* TSCA Title II was enacted as part of the Asbestos Hazard Emergency Response Act (AHERA), Pub. L. 99-519. AHERA is the name commonly used to refer to the statutory authority for EPA's rules affecting asbestos in schools. For purposes of this document, EPA will use the AHERA designation.

In the **Federal Register** of October 30, 1987 (52 FR 41946), EPA issued a final rule as required in AHERA, the Asbestos-Containing Materials in Schools Rule (40 CFR part 763, subpart E), which requires all Local Education Agencies (LEAs) to identify Asbestos-Containing Building Materials (ACBMs) in their school buildings and to take appropriate actions to control the release of asbestos fibers. The LEAs are required to describe their asbestos control activities in management plans, which must be available to all concerned persons and submitted to the State Governor's Designee. The rule requires LEAs to use specially trained and accredited persons to conduct inspections for asbestos, develop management plans, and design and conduct actions to control asbestos. The recordkeeping and reporting burden associated with waiver requests was approved under OMB control number 2070-0091. This document merely announces the Agency's receipt of a waiver request and therefore, imposes no additional burden beyond that which was covered under existing OMB control number 2070-0091. Send any comments regarding the burden estimate or any other aspect of this collection to Chief, Information Policy Branch (2136), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, "Attention: Desk Officer."

Under section 203 of AHERA, EPA may, upon request of a State Governor and after notice and comment and opportunity for a public hearing in the State, waive in whole or in part the requirements of the rule promulgated under section 203, if the State has established and is implementing or intends to implement a program of asbestos inspection and management which is at least as stringent as the requirements of 40 CFR part 763, subpart E. The AHERA rule requires that specific information be included in a waiver request. The rule establishes a process for EPA to review waiver requests, and sets forth procedures for

oversight and rescission of waivers granted to the States.

The rule requires States seeking waivers to submit requests to the Regional Administrator for the EPA Region in which the State is located. EPA is hereby issuing a notice in the **Federal Register** announcing receipt of the request and soliciting written comments from the public pertaining to the Commonwealth of Massachusetts' AHERA waiver request. Comments must be submitted by August 24, 1998. If during the comment period, EPA receives a written objection to the State's request, EPA will schedule a hearing to be held in the affected State after the close of the comment period.

On September 26, 1997, Acting Governor Argeo Paul Cellucci submitted to John P. DeVillars, Regional Administrator, EPA Region I, a request for a waiver under 40 CFR 763.98. The request was received by the EPA Regional Office on September 27, 1997. The State's submittal requested a waiver from all requirements of 40 CFR part 763, subpart E.

The Massachusetts waiver request was deemed complete by EPA on October 14, 1997, in that it contained all of the following provisions which are required by the AHERA regulations.

1. A copy of the State provisions and proposed provisions relating to its program of asbestos inspection and management in schools for which the request is made.

2. The name of the State agency that is responsible for administering and enforcing the requirements for which a waiver is requested. The names and job titles of responsible officials in that agency, and telephone numbers whom the officials can be contacted.

3. Detailed reasons, supporting papers, and the rationale for concluding that the State's asbestos inspection and management program provisions, for which the request is made, are at least as stringent as the requirements of 40 CFR part 763, subpart E.

4. A discussion of any special situations, problems, and needs pertaining to the waiver request accompanied by an explanation of how the State intends to handle them.

5. A statement of the resources that the State intends to devote to the administration and enforcement of the provisions relating to the waiver request.

6. Copies of any specific or enabling State laws and regulations relating to the request, including provisions for assessing criminal and/or civil penalties.

7. Assurance from the Governor, Attorney General, or the legal counsel of

the lead agency that has the legal authority necessary to carry out the requirements relating to the request.

EPA may waive some or all of the requirements of 40 CFR part 763, subpart E if:

1. The State has the legal authority necessary to carry out the provisions of asbestos inspection and management in schools relating to the waiver request. The Massachusetts Department of Labor and Workforce Development recognizes that asbestos exposure in schools (and elsewhere) is a serious concern. The Massachusetts General Assembly also recognized this, and during a 1987 legislative session a bill was passed—Mass Gen. Laws ch. 149, Sec. 6C—authorizing the Air Pollution Control Division, Massachusetts Department of Labor and Workforce Development, to implement State requirements under AHERA to establish a certification program for abatement contractors, develop and implement asbestos work practices and exposure standards, collect fees, and levy fines. Effective June 30, 1993, the revised Massachusetts asbestos regulation required the certification of all persons engaging in asbestos-related work. The requirement applies to all public and commercial buildings as well as schools. The revised regulation also contains more stringent work practices for asbestos abatement and expands the enforcement capabilities of the State in regards to false training documents submitted to obtain certification. The Massachusetts General Assembly has enacted authority for the Massachusetts Department of Labor and Work Force Development to enforce rules and regulations to minimize the risk to the public from exposure to asbestos, including requirements for asbestos management plans to be submitted and implemented by schools. All requisite legislative/legal authority to implement the AHERA waiver program has been adopted, and no problems are anticipated in meeting waiver objectives.

2. The State's program of asbestos inspection and management in schools relating to the waiver request and implementation of the program will be at least as stringent as the requirements of 40 CFR part 763, subpart E. On August 25, 1997, Massachusetts adopted the requirements of 40 CFR part 763, subpart E in their entirety, with the exception of §§ 763.97 and 763.98, into the Massachusetts Department of Labor and Workforce Development Regulation No. 453 CMR 6.00 "The Removal, Containment or Encapsulation of Asbestos School Requirements." The State indicated in its August 25, 1997

letter that it intends to administer these regulations in a manner that will be at least as stringent as the requirements of 40 CFR part 763, subpart E.

3. The State has an enforcement mechanism to allow it to implement the program described in the waiver request. The State conducts routine AHERA inspections and abatement inspections. Routine AHERA inspections result in a determination of compliance regarding the creation, maintenance and implementation of an adequate, updated management plan. Abatement inspections focus on assessing compliance with the AHERA and State asbestos requirements, including such things as implementation of appropriate work practices, compliance with accreditation (State Certification) requirements and proper recordkeeping.

Abatement inspections are initiated as a result of tips or complaints, to assess compliance with any applicable State or EPA asbestos rules. In addition, the State will continue to update its existing Neutral Administrative Inspection Scheme (NAIS) in support of targeting LEAs and other persons for AHERA compliance inspections. The NAIS will include a specific method or criteria for selecting inspection targets and will comply with EPA's National Compliance Monitoring Strategies for AHERA. The State also has completed an enforcement response policy to determine the most appropriate enforcement action for each violation of the State's laws and regulations.

4. The State has qualified personnel to carry out the provisions relating to the waiver request. The State has 18 employees trained to stringently enforce, the requirements of 40 CFR part 763, subpart E. The program will be carried out by staff in the Massachusetts Department of Labor and Workforce Development. Of these, four staff work full-time under the EPA TSCA Asbestos Enforcement Grant. These staff are fully-trained and certified as Building Inspector/Management Planners and Contractor/Supervisors. Two of four staff persons are conducting full AHERA inspections. One staff person is conducting Worker Protection Rule (40 CFR part 763, subpart E) inspections and is currently training to conduct full AHERA inspections. The fourth person administers the grant with EPA and works on case development resulting from inspections.

5. The State will devote adequate resources to the administration and enforcement of the asbestos inspection and management provisions relating to the waiver request. Based upon review by the EPA Region I Office, the Agency

feels that the resources developed by the Massachusetts Department of Labor and Workforce Development are adequate to effectively implement and administer the asbestos program in Massachusetts.

6. Final approval of the program by EPA will require effective implementation and continued use of the EPA-approved NAIS, logging and tracking system, enforcement strategy and standard operating procedures, enforcement response policy, and communication strategy. EPA's final approval of the State's program will require the State to continue to provide adequate resources to support the administration of the program.

The reporting and recordkeeping provisions relating to State waivers from the requirements of the Asbestos-Containing Materials in Schools Rule at 40 CFR part 763 have been approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 and its implementing regulations at 5 CFR part 1320 and assigned OMB control number 2070-0091.

With this notice, EPA is hereby announcing receipt of the State's request and soliciting written comments from the public pertaining to the Commonwealth of Massachusetts' AHERA waiver request. Comments must be submitted by July 24, 1998. If during the comment period, EPA receives a written objection to the State's request, EPA will schedule a hearing to be held in the Commonwealth after the close of the comment period.

The official record for this document, as well as the public version, has been established for this document under docket control number "OPPTS-62155" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:

bryson.jamesm@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "OPPTS-62155." Electronic comments on this

document may be filed online at many Federal Depository Libraries.

List of Subjects in Part 763

Environmental protection, Asbestos, Administrative practice and procedure, Hazardous substances, Imports, Intergovernmental relations, Labeling, Occupational safety and health, Reporting and recordkeeping requirements, Schools.

Dated: June 15, 1998.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 98-16770 Filed 6-23-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 98-3967; Notice 1]

RIN 2127-AG88

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Federal motor vehicle safety standard on lighting to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources in motor vehicle lamps. These are light emitting diodes (LEDs) and miniature halogen bulbs. The standard would be amended to add two paragraphs reflecting SAE specifications for measurement of photometrics in taillamps and in certain stop and turn signal lamps with more than one lighted section and for LED heat testing. The agency issued a proposal on these issues in 1994, but terminated rulemaking the following year. These issues are being revisited in response to a petition for rulemaking from Reitter & Schefenacker GmbH & Co. KG.

DATES: Comments are due on the proposal August 10, 1998. The proposed effective date is one year after publication of the final rule. However, the agency is soliciting comments on whether optional compliance should be allowed in advance of that date.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400

Seventh Street, S.W., Washington, D.C. 20590 (Docket hours are from 10:00 a.m. to 5:00 p.m.)

FOR FURTHER INFORMATION CONTACT:

Chris Flanigan, Office of Safety Performance Standards (202-366-4918).

SUPPLEMENTARY INFORMATION:

Introduction

On April 8, 1994, the agency published a notice of proposed rulemaking (NPRM) to amend Federal Motor Vehicle Safety Standard No. 108, "Lamps, Reflective Devices, and Associated Equipment," to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources in lamps (59 FR 16788). These new lamp technologies include light-emitting diodes (LEDs), miniature halogen bulbs, and other light sources with a limited luminous flux. Luminous flux is the total light emitted from a light source, in all directions. All these light sources will be referred to as "limited flux light sources" hereafter. Compared with light sources with traditional filaments, non-filament light sources such as LED and miniature halogen light sources emit only a fraction of the luminous flux of filament light sources. Consequently, to achieve the same performance as a single traditional filament light source, it is necessary to use multiple non-traditional light sources, hence their identification as "limited flux light sources." In the 1994 proposal, the agency asked for comment on how it might specify a means of determining the number of equivalent lighted sections for lamps equipped with these new lamp technologies. The agency wishes Standard No. 108 to be responsive to new technologies and to remove inadvertent impediments to their implementation. The notice also proposed a performance requirement to determine an LED lamp's ability to maintain photometric compliance under increased temperature conditions.

The requirements contained in Standard No. 108 for signal lamps are based on Society of Automotive Engineers (SAE) Standards and Recommended Practices that were developed to accommodate incandescent bulbs, i.e., those with filaments. These were developed many years before LEDs when incandescent bulbs were the only light sources in use at that time. New lighting source technologies have arisen that have fundamentally different characteristics than incandescent lamps. Thus, it is difficult to apply the specifications of Standard No. 108 to the new

Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Effective from 4 p.m. on October 31, 1998 through 7 p.m. on November 1, 1998 § 117.451 is amended by suspending paragraph (b) and adding a new paragraph (f).

§ 117.451 Gulf Intracoastal Waterway.

* * * * *

(f) The draw of SR 23 bridge, Algiers Alternate Route, mile 3.8 at Belle Chasse, shall open on signal; except that from 4 p.m. until 6:45 p.m. on Saturday, October 31, 1998 and from 4 p.m. until 7 p.m. on Sunday, November 1, 1998, the draw need not open for the passage of vessels.

Dated: October 14, 1998.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 98–28754 Filed 10–26–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPPTS–62155A; FRL–6038–1]

Asbestos-Containing Materials in Schools; Final Decision on State Request for Waiver From Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decision on requested waiver.

SUMMARY: EPA is issuing a final decision which approves the request of the Commonwealth of Massachusetts for a waiver from the requirements of 40 CFR part 763, subpart E, Asbestos-Containing Materials in Schools, based on a formal assurance to EPA that Massachusetts has an asbestos accreditation program at least as stringent as the EPA's Asbestos Model Accreditation Plan.

EFFECTIVE DATE: August 24, 1998.

ADDRESSES: A copy of the complete waiver application submitted by the State, identified by the docket control number OPPTS–62155, is available from the Environmental Protection Agency,

TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460, from 12 noon to 4 p.m., Monday through Friday, except legal holidays. A copy is also on file and may be reviewed at the Environmental Protection Agency, Region I Office, John F. Kennedy Federal Building, Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

James M. Bryson at 617–565–3836 or e-mail: bryson.jamesm@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

This document is issued under the authority of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2641, *et seq.* TSCA Title II was enacted as part of the Asbestos Hazard Emergency Response Act 1986 (AHERA), Pub. L. 99–519. AHERA is the abbreviation commonly used to refer to the statutory authority for EPA's rules affecting asbestos in schools and will be used in this document. EPA issued a final rule in the **Federal Register** of October 30, 1987 (52 FR 41846), the Asbestos-Containing Materials in Schools Rule (the Schools Rule, 40 CFR part 763, subpart E), which requires all Local Education Agencies (LEAs) to identify asbestos-containing building materials (ACBMs) in their school buildings and to take appropriate actions to control the release of asbestos fibers.

Under section 203 of AHERA, EPA may, upon request by a State Governor and after notice and comment and opportunity for a public hearing in the State, waive in whole or part the requirements of the Schools Rule, if the State has established and is implementing or intends to implement an ongoing program of asbestos inspection and management which is at least as stringent as the requirements of the rule. Section 763.98 (40 CFR 763.98) sets forth the procedures to implement this statutory provision. The Schools Rule requires that specific information be included in the waiver request submitted to EPA, establishes a process for reviewing waiver requests, and sets forth procedures for oversight and rescission of waivers granted to States. The Agency encourages States to establish and manage their own school regulatory programs under the AHERA waiver provision. EPA issued a notice in the **Federal Register** of June 24, 1998 (63 FR 34348; FRL–5762–3), which announced the receipt of a waiver request from the Commonwealth of Massachusetts, and solicited comments from the public. The notice also discussed the program elements of the

State program, and provided EPA's preliminary evaluation of the State resources responsible for effective implementation and administration of the asbestos program in Massachusetts. No comments were received during the 60-day comment period. No request for a public hearing was received. Consequently, no hearing was held.

EPA is required to issue a notice in the **Federal Register** announcing its decision to grant or deny a request for waiver within 30 days after the close of the comment period. The comment period for this docket closed on August 24, 1998. The 60-day review period may be extended if mutually agreed upon by EPA and the State.

The remainder of this document is divided into Units II., III., and IV. Unit II. discusses the Commonwealth of Massachusetts program and sets forth the reasons and rationale for EPA's decision on the State's waiver request. Unit II. is divided into sections A. and B. Section A. discusses key elements of the State's program at the time the waiver request was submitted. Section B. gives EPA's final approval of the waiver request based on the State's response. Units III. and IV. of this notice discuss the regulatory assessment requirements.

II. The Commonwealth of Massachusetts Program

A. Program Elements

The Massachusetts Department of Labor and Workforce Development (MDLWD) has the authority to regulate asbestos in schools and state buildings. The Massachusetts General Laws Chapter 149, sections 6, 6A–6G and the MDLWD Regulation No. 453 CMR 6.00 are the State provisions for asbestos inspections and management in school and public and commercial buildings.

The MDLWD conducts inspections to ensure compliance with the above laws and rules. MDLWD reviews the management plans submitted for schools. The requirements of the Massachusetts Program are the same as or more stringent than the Federal AHERA requirements. The State requirements are more stringent in that the requirements apply to public and commercial buildings in addition to schools.

B. EPA's Decision on the Commonwealth of Massachusetts Request for Waiver

Based on a formal assurance to EPA from the lead Massachusetts agency (MDLWD) having the legal authority to carry out the requirements relating to the waiver request that Massachusetts

has incorporated into its asbestos inspection and management program, an asbestos accreditation program at least as stringent as the EPA's Asbestos Model Accreditation Plan (MAP), interim final rule is approved by this notice.

Accordingly, EPA grants the Commonwealth of Massachusetts a waiver from the requirements of 40 CFR part 763, subpart E, effective October 24, 1998. Federal jurisdiction shall be in effect in the period between the date of publication of this document and that date. This will assure that the State has sufficient time to prepare to assume its new responsibilities. It will also assure the public that no gap in authority occurs, and gives the public sufficient notice of the transfer of duties from EPA to the State of Massachusetts. This waiver is applicable to all schools covered by AHERA in the State. This waiver is subject to rescission under 40 CFR 763.98(j) based on periodic EPA oversight evaluation and conference with the State in accordance with 40 CFR 763.98(h) and (i).

III. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This action does not impose any requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

B. Paperwork Reduction Act

The reporting and record keeping provisions relating to State waivers from the requirements of the Asbestos-Containing Materials in Schools Rule (40 CFR part 763) have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act and have been assigned OMB control number 2070-0091.

C. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's action does not create an unfunded Federal mandate on State, local, or tribal governments. The action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

D. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on

matters that significantly or uniquely affect their communities."

Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

IV. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined by 5 U.S.C. 804(3).

List of Subjects in 40 CFR Part 763

Environmental protection, Administrative practice and procedure, Asbestos, Confidential business information, Hazardous substances, Imports, Intergovernmental relations, Labeling, Occupational safety and health, Reporting and recordkeeping requirements, Schools.

Dated: October 15, 1998.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 98-28726 Filed 10-26-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 15

[USCG-1998-3323; CGD 97-073]

RIN 2115-AF57

Federal Pilotage for Vessels in Foreign Trade

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Coast Guard is issuing a final rule requiring that vessels in foreign trade, under way on the Cape Fear River and the Northeast Cape Fear River in North Carolina, be under the direction and control of Federal pilots when not under the direction and control of State pilots. This measure is necessary to ensure that vessels are navigated by competent, qualified persons, who are familiar with the local area and accountable to either the State or the Coast Guard. This measure will promote navigational safety by increasing the level of accountability and reducing risk of both accident and

Sullivan, Tim

From: Simpson, Julie
Sent: Tuesday, March 12, 2013 12:08 PM
To: Bishop, Everett;Pontius, Ann
Subject: FW: AHERA CA letter?
Attachments: DRAFT OECA National CA letter_01232013+CT comments.docx

Attachment withheld - (b)(5)

See what you think of Catherine's comments. (b) (5)

[REDACTED]

From: Tunis, Catherine
Sent: Monday, March 11, 2013 11:06 AM
To: Simpson, Julie
Subject: RE: AHERA CA letter?

(b) (5)

[REDACTED]

I've provided a few comments on the letter which I hope you find helpful.

Thank you for letting me review this!

Catherine Tunis
202-564-0476
202-564-0050 fax
Office of Enforcement and Compliance Assurance
Next Generation Compliance Team

From: Simpson, Julie
Sent: Monday, March 11, 2013 8:49 AM
To: Tunis, Catherine
Subject: RE: AHERA CA letter?

See attached -- something we developed at the request of the regions. Currently in management review. Any thoughts?

From: Tunis, Catherine
Sent: Thursday, March 07, 2013 4:40 PM

To: Simpson, Julie
Subject: AHERA CA letter?

What's this? (just saw on the MAMPD agenda)

Catherine Tunis
202-564-0476
202-564-0050 fax
Office of Enforcement and Compliance Assurance
Next Generation Compliance Team

Sullivan, Tim

From: Bishop, Everett
Sent: Tuesday, March 12, 2013 12:42 PM
To: Simpson, Julie
Subject: RE: AHERA CA letter?
Attachments: DRAFT OECA National CA letter_01232013+CTcomments[1].docx Attachment withheld - (b)(5)

Julie -

My comments to Catherine's comments. (b) (5)

[REDACTED]

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Simpson, Julie
Sent: Tuesday, March 12, 2013 12:08 PM
To: Bishop, Everett; Pontius, Ann
Subject: FW: AHERA CA letter?

See what you think of Catherine's comments (b) (5)

[REDACTED]

[REDACTED]

From: Tunis, Catherine
Sent: Monday, March 11, 2013 11:06 AM
To: Simpson, Julie
Subject: RE: AHERA CA letter?

(b) (5)

[REDACTED]

[REDACTED]

I've provided a few comments on the letter which I hope you find helpful.

Thank you for letting me review this!

Catherine Tunis
202-564-0476
202-564-0050 fax
Office of Enforcement and Compliance Assurance
Next Generation Compliance Team

From: Simpson, Julie
Sent: Monday, March 11, 2013 8:49 AM
To: Tunis, Catherine
Subject: RE: AHERA CA letter?

See attached -- (b) (5) Any thoughts?

From: Tunis, Catherine
Sent: Thursday, March 07, 2013 4:40 PM
To: Simpson, Julie
Subject: AHERA CA letter?

What's this? (just saw on the MAMPD agenda)


Catherine Tunis
202-564-0476
202-564-0050 fax
Office of Enforcement and Compliance Assurance
Next Generation Compliance Team

Sullivan, Tim

From: Bryson, James M.
Sent: Wednesday, March 13, 2013 11:46 AM
To: Bishop, Everett; Courtnage, Robert
Cc: Wheeler, Cindy; Simons, Tom
Subject: RE: Worker Protection Standards for Asbestos
Attachments: CFR-2011-title40-vol31-part763-subpartG.pdf; MA- Waiver-final.pdf; ma-waiver-JUNE-24-1998.pdf - [CFR attachment provided below](#)
- [MA waiver attachments previously provided](#)

Everett, Robert, Cindy and Tom:

Thank you all for your comments on this issue. (b) (5)



Here is the background:

When MA became a waiver state in 1998, they were deemed by the EPA to be as stringent as 40 CFR PART 763 Subpart E, which is inclusive of all the Appendixes: Appendix A TEM; Appendix B Worker Protection Rule; Appendix C MAP; Appendix D Transport of Asbestos Waste; and Appendix E Bulk Sampling.

As stated in out FR Notice: June 24, 1998:

2. The State's program of asbestos inspection and management in schools relating to the waiver request and implementation of the program will be at least as stringent as the requirements of 40 CFR part 763, subpart E. On August 25, 1997, Massachusetts adopted the requirements of 40 CFR part 763, subpart E in their entirety, with the exception of §§ 763.97 and 763.98, into the Massachusetts Department of Labor and Workforce Development Regulation No. 453 CMR 6.00 "The Removal, Containment or Encapsulation of Asbestos School Requirements." The State indicated in its August 25, 1997

letter that it intends to administer these regulations in a manner that will be at least as stringent as the requirements of 40 CFR part 763, subpart E.

As stated in the Final FR Approval in the October 27, 1998 FR Notice:

Accordingly, EPA grants the Commonwealth of Massachusetts a waiver from the requirements of 40 CFR part 763, subpart E, effective October 24, 1998. Federal jurisdiction shall be in effect in the period between the date of publication of this document and that date. This will assure that the State has sufficient time to prepare to assume its new responsibilities. It will also assure the public that no gap in authority occurs, and gives the public sufficient notice of the transfer of duties from EPA to the State of Massachusetts. This waiver is applicable to all schools covered by AHERA in the State. This waiver is subject to rescission under 40 CFR 763.98(j) based on periodic EPA oversight evaluation and conference with the State in accordance with 40 CFR 763.98(h) and (i).

(b) (5)



Since 1998:

Under MA General Law, Chapter 149, Section 6C, The Health and safety of general public and asbestos workers; rules and regulations

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section6C>

they addressed protecting the public: “The commissioner shall promulgate rules and regulations relative to the protection of the general public and the occupational health and safety of workers engaged in the use, handling, removal or disposal of asbestos or materials containing asbestos including, but not limited to, the construction, demolition, alteration or repair of any building or structure, including those owned or leased by the commonwealth or any of its political subdivisions or authorities. address the public”.

Their asbestos regulation 453CMR 6.0 - **Authority, Purpose and Scope 6.01** they incorporate Subpart E by reference: <http://www.mass.gov/lwd/labor-standards/asbestos-program/statutes-and-regs/453-cmr-6-00/authority-purpose.html>

The MA **Worker Protection Requirements of 453 CMR 6.15**, also incorporate OSHA standards in their regulations as well as Appendix G: <http://www.mass.gov/lwd/labor-standards/asbestos-program/statutes-and-regs/453-cmr-6-00/worker-protection-requirements-615.html>

Next Steps ?:

(b) (5)



§ 763.123 May a State implement its own asbestos worker protection plan?

This section describes the process under which a State may be exempted from the requirements of this subpart.

(a) *States seeking an exemption.* If your State wishes to implement its own asbestos worker protection plan, rather than complying with the requirements of this subpart, your State must apply for and receive an exemption from EPA.

(1) *What must my State do to apply for an exemption?* To apply for an exemption from the requirements of this subpart, your State must send to the Director of EPA's Office of Pollution Prevention and Toxics (OPPT) a copy of its asbestos worker protection regulations and a detailed explanation of how your State's asbestos worker protection plan meets the requirements of TSCA section 18 (15 U.S.C. 2617).

Thanks Again,

Sincerely,

James M. Bryson

James M. Bryson, Regional Asbestos Coordinator
Toxics and Pesticides Unit
US EPA Region 1 (New England)
Office of Environmental Stewardship
5 Post Office Square, Suite 100 (OES-05-4)
Boston, MA 02109-3912

PHONE: 617-918-1524

FAX: 617-918-0524

EMAIL: bryson.jamesm@epa.gov

Web Site: <http://epa.gov/asbestos/>

From: Bishop, Everett

Sent: Tuesday, March 12, 2013 9:02 AM

To: Bryson, James M.
Subject: FW: Worker Protection Standards for Asbestos

Jim -

(b) (5)





Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Courtnage, Robert
Sent: Tuesday, March 12, 2013 8:53 AM
To: Wheeler, Cindy; Bishop, Everett
Cc: Simons, Tom
Subject: RE: Worker Protection Standards for Asbestos

(b) (5)




-Robert

From: Wheeler, Cindy
Sent: Tuesday, March 12, 2013 7:16 AM
To: Bishop, Everett
Cc: Simons, Tom; Courtnage, Robert
Subject: RE: Worker Protection Standards for Asbestos

(b) (5)



Cindy Wheeler
National Program Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
(202) 566-0484

From: Bishop, Everett
Sent: Monday, March 11, 2013 4:34 PM
To: Wheeler, Cindy
Subject: Worker Protection Standards for Asbestos

Cindy -

(b) (5)



I appreciate your assistance.

Thanks.

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

§ 763.120

Sinai School of Medicine of the City University of New York, New York, New York.

19. A. M. Langer, M. S. Wolff, A. N. Rohl, and I. J. Selikoff, Variation of properties of chrysotile asbestos subjected to milling, *J. Toxicol. and Environ. Health*, 4:173-188, 1978.

20. A. M. Langer, A. D. Mackler, and F. D. Pooley, Electron microscopical investigation of asbestos fibers, *Environ. Health Perspect.*, 9:63-80, 1974.

21. E. Occella and G. Maddalon, X-ray diffraction characteristics of some types of asbestos in relation to different techniques of comminution, *Med. Lavoro*, 54(10):628-636, 1963.

22. K. R. Spurny, W. Stöber, H. Opiela, and G. Weiss, On the problem of milling and ultrasonic treatment of asbestos and glass fibers in biological and analytical applications, *Am. Ind. Hyg. Assoc. J.*, 41:198-203, 1980.

23. L. G. Berry and B. Mason, *Mineralogy*, San Francisco: W. H. Greeman & Co., 1959.

24. J. P. Schelz, The detection of chrysotile asbestos at low levels in talc by differential thermal analysis, *Thermochimica Acta*, 8:197-204, 1974.

25. Reference 1, pp. 372-374.

26. J. Leroux, *Staub-Reinhalt Luft*, 29:26 (English), 1969.

27. J. A. Leroux, B. C. Davey, and A. Paillard, *Am. Ind. Hyg. Assoc. J.*, 34:409, 1973.

[47 FR 23369, May 27, 1982; 47 FR 38535, Sept. 1, 1982; Redesignated at 60 FR 31922, June 19, 1995]

Subpart F [Reserved]

Subpart G—Asbestos Worker Protection

SOURCE: 65 FR 69216, Nov. 15, 2000, unless otherwise noted.

§ 763.120 What is the purpose of this subpart?

This subpart protects certain State and local government employees who are not protected by the Asbestos Standards of the Occupational Safety and Health Administration (OSHA). This subpart applies the OSHA Asbestos Standards in 29 CFR 1910.1001 and 29 CFR 1926.1101 to these employees.

§ 763.121 Does this subpart apply to me?

If you are a State or local government employer and you are not subject to a State asbestos standard that OSHA has approved under section 18 of the Occupational Safety and Health Act or a State asbestos plan that EPA

40 CFR Ch. I (7-1-11 Edition)

has exempted from the requirements of this subpart under § 763.123, you must follow the requirements of this subpart to protect your employees from occupational exposure to asbestos.

§ 763.122 What does this subpart require me to do?

If you are a State or local government employer whose employees perform:

(a) Construction activities identified in 29 CFR 1926.1101(a), you must:

(1) Comply with the OSHA standards in 29 CFR 1926.1101.

(2) Submit notifications required for alternative control methods to the Director, National Program Chemicals Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) Custodial activities not associated with the construction activities identified in 29 CFR 1926.1101(a), you must comply with the OSHA standards in 29 CFR 1910.1001.

(c) Repair, cleaning, or replacement of asbestos-containing clutch plates and brake pads, shoes, and linings, or removal of asbestos-containing residue from brake drums or clutch housings, you must comply with the OSHA standards in 29 CFR 1910.1001.

§ 763.123 May a State implement its own asbestos worker protection plan?

This section describes the process under which a State may be exempted from the requirements of this subpart.

(a) *States seeking an exemption.* If your State wishes to implement its own asbestos worker protection plan, rather than complying with the requirements of this subpart, your State must apply for and receive an exemption from EPA.

(1) *What must my State do to apply for an exemption?* To apply for an exemption from the requirements of this subpart, your State must send to the Director of EPA's Office of Pollution Prevention and Toxics (OPPT) a copy of its asbestos worker protection regulations and a detailed explanation of how your State's asbestos worker protection plan meets the requirements of TSCA section 18 (15 U.S.C. 2617).

(2) *What action will EPA take on my State's application for an exemption?* EPA will review your State's application and make a preliminary determination whether your State's asbestos worker protection plan meets the requirements of TSCA section 18.

(i) If EPA's preliminary determination is that your State's plan does meet the requirements of TSCA section 18, EPA will initiate a rulemaking, including an opportunity for public comment, to exempt your State from the requirements of this subpart. After considering any comments, EPA will issue a final rule granting or denying the exemption.

(ii) If EPA's preliminary determination is that the State plan does not meet the requirements of TSCA section 18, EPA will notify your State in writing and will give your State a reasonable opportunity to respond to that determination.

(iii) If EPA does not grant your State an exemption, then the State and local government employers in your State are subject to the requirements of this subpart.

(b) *States that have been granted an exemption.* If EPA has exempted your State from the requirements of this subpart, your State must update its asbestos worker protection regulations as necessary to implement changes to meet the requirements of this subpart, and must apply to EPA for an amendment to its exemption.

(1) *What must my State do to apply for an amendment to its exemption?* To apply for an amendment to its exemption, your State must send to the Director of OPPT a copy of its updated asbestos worker protection regulations and a detailed explanation of how your State's updated asbestos worker protection plan meets the requirements of TSCA section 18. Your State must submit its application for an amendment within 6 months of the effective date of any changes to the requirements of this subpart, or within a reasonable time agreed upon by your State and OPPT.

(2) *What action will EPA take on my State's application for an amendment?* EPA will review your State's application for an amendment and make a preliminary determination whether your

State's updated asbestos worker protection plan meets the requirements of TSCA section 18.

(i) If EPA determines that the updated State plan does meet the requirements of TSCA section 18, EPA will issue your State an amended exemption.

(ii) If EPA determines that the updated State plan does not meet the requirements of TSCA section 18, EPA will notify your State in writing and will give your State a reasonable opportunity to respond to that determination.

(iii) If EPA does not grant your State an amended exemption, or if your State does not submit a timely request for amended exemption, then the State and local government employers in your State are subject to the requirements of this subpart.

Subpart H [Reserved]

Subpart I—Prohibition of the Manufacture, Importation, Processing, and Distribution in Commerce of Certain Asbestos-Containing Products; Labeling Requirements

SOURCE: 54 FR 29507, July 12, 1989, unless otherwise noted.

§ 763.160 Scope.

This subpart prohibits the manufacture, importation, processing, and distribution in commerce of the asbestos-containing products identified and at the dates indicated in §§ 763.165, 763.167, and 763.169. This subpart requires that products subject to this rule's bans, but not yet subject to a ban on distribution in commerce, be labeled. This subpart also includes general exemptions and procedures for requesting exemptions from the provisions of this subpart.

§ 763.163 Definitions.

For purposes of this subpart:

Act means the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.*


Agency means the United States Environmental Protection Agency.

Sullivan, Tim

From: Courtnage, Robert
Sent: Thursday, March 14, 2013 9:42 AM
To: Bishop, Everett
Cc: Vendinello, Lynn; Simons, Tom
Subject: Asbestos ICR

Everett-

We are working on the Asbestos in Schools and asbestos worker protection rule ICRs. (b) (5)



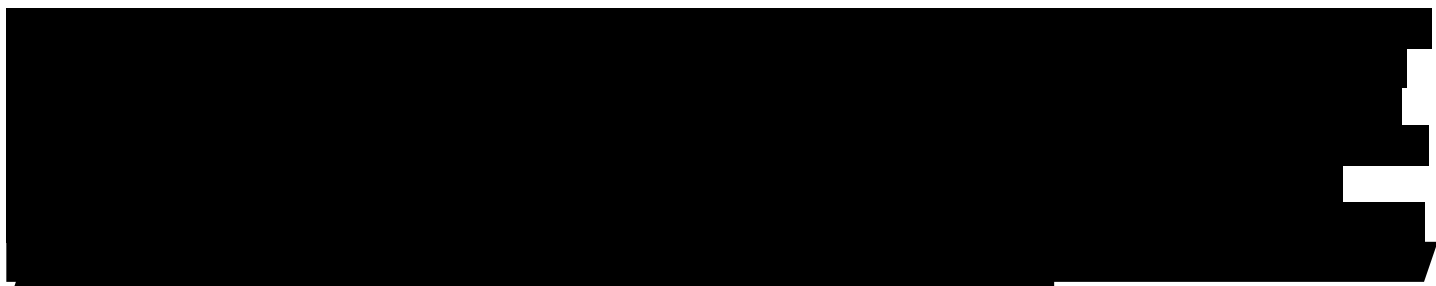





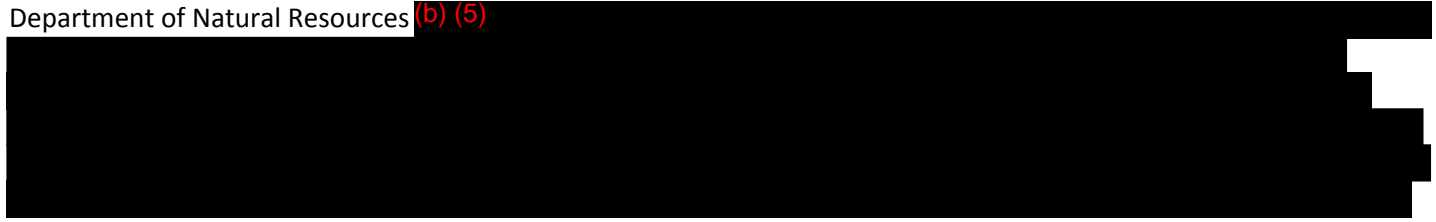
Robert T. Courtnage
National Program Chemicals Division
Office of Pollution Prevention and Toxics
U.S. EPA
202.566.1081

Sullivan, Tim

From: Whipple, Randall
Sent: Friday, March 22, 2013 6:52 PM
To: Courtnage, Robert
Cc: Bishop, Everett
Subject: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Robert,

I just completed providing an extensive written clarification regarding EPA's Model Accreditation Plan to Ms. Kathleen Uehling, State Attorney for the Labor Commissioner, Division of Labor Services, aka State of Iowa's OSHA and the Iowa Department of Natural Resources (b) (5)



?

Robert, thank you for any assistance you can provide in this matter. If you need to talk with me feel free to call me at anytime, perhaps next week. If you prefer to contact MS. Uehling with Iowa's Division of Labor Services, I'll be happy to provide you with her information.

Randall Whipple
Senior Asbestos Inspector & Regional Coordinator
U.S. Environmental Protection Agency, Region 7
Water, Wetlands and & Pesticides Division
Toxics and Pesticides Branch
11201 Renner Boulevard
Lenexa, Kansas 66219
Office: 913-551-7093
Fax: 913-551-9073
E-mail: Whipple.Randall@epa.gov

Sullivan, Tim

From: Simpson, Julie
Sent: Friday, March 15, 2013 11:10 AM
To: Sullivan, Greg
Cc: Bishop, Everett
Subject: Draft compliance assistance letter -- AHERA
Attachments: DRAFT OECA National CA letter_03122013.docx *Attachment withheld - (b)(5)*



Hi Greg –

Just left you a VM message about the attached. Could you please take a look and let us know if you have any comments.

Julie Simpson

Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Courtnage, Robert
Sent: Tuesday, March 26, 2013 11:15 AM
To: Whipple, Randall
Cc: Bishop, Everett; Groeneveld, Thomas; Vendinello, Lynn; Anderson, Steve; Simons, Tom
Subject: RE: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.
Attachments: TSCA Asbestos Inquiry Protocol.pdf

Attachment withheld - (b)(5)

Hi Randall-

(b) (5)

I will be sure to pass along the updates to the Iowa contact to our web person to add "NESHAP" to his name. Please let me know if you have any questions.

Kind Regards-

Robert T. Courtnage
National Program Chemicals Division
Office of Pollution Prevention and Toxics
U.S. EPA
202.566.1081

From: Whipple, Randall
Sent: Friday, March 22, 2013 6:52 PM
To: Courtnage, Robert
Cc: Bishop, Everett
Subject: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Robert,

I just completed providing an extensive written clarification regarding EPA's Model Accreditation Plan to Ms. Kathleen Uehling, State Attorney for the Labor Commissioner, Division of Labor Services, aka State of Iowa's OSHA and the Iowa Department of Natural Resources. (b) (5)

(b) (5)



Robert, thank you for any assistance you can provide in this matter. If you need to talk with me feel free to call me at anytime, perhaps next week. If you prefer to contact MS. Uehling with Iowa's Division of Labor Services, I'll be happy to provide you with her information.

Randall Whipple
Senior Asbestos Inspector & Regional Coordinator
U.S. Environmental Protection Agency, Region 7
Water, Wetlands and & Pesticides Division
Toxics and Pesticides Branch
11201 Renner Boulevard
Lenexa, Kansas 66219
Office: 913-551-7093
Fax: 913-551-9073
E-mail: Whipple.Randall@epa.gov

Sullivan, Tim

From: Simpson, Julie
Sent: Wednesday, March 27, 2013 12:49 PM
To: Bishop, Everett
Subject: Latest draft of asbestos CA letter
Attachments: AHERA CA letter revised 3-20-13.docx *Attachment withheld - (b)(5)*



Julie Simpson

Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Simpson, Julie
Sent: Wednesday, March 27, 2013 12:55 PM
To: Bishop, Everett
Subject: FW: Revised draft asbestos compliance assistance letter
Attachments: AHERA CA letter revised 3-20-13.docx

Attachment withheld - (b)(5)

Here is the latest email on the CA letter. (b) (5)

[REDACTED]

The

TSCA Enforcement Managers meeting is April 4. (b) (5)

[REDACTED]

In our spare time.

From: Simpson, Julie
Sent: Wednesday, March 20, 2013 8:39 AM
To: Vendinello, Lynn; Lott, Don
Cc: Pontius, Ann
Subject: Revised draft asbestos compliance assistance letter



Please see attached for a revised draft (b) (5)

[REDACTED]

New language is in red. Thanks --

Julie Simpson
Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Whipple, Randall
Sent: Wednesday, March 27, 2013 2:21 PM
To: Courtnage, Robert
Cc: Green, Jamie; Bishop, Everett
Subject: RE: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Robert,

Thank you for your prompt response (b) (5)



I greatly appreciate any assistance you can provide in this matter. Hopefully, we can provide them with a resolution in this matter soon. I've already received another call from the state to see if I spoken to anyone yet, about a correction in the statement.

Randall Whipple
Senior Asbestos Inspector & Regional Coordinator
U.S. Environmental Protection Agency, Region 7
Water, Wetlands and & Pesticides Division
Toxics and Pesticides Branch
11201 Renner Boulevard
Lenexa, Kansas 66219
Office: 913-551-7093
Fax: 913-551-9073
E-mail: Whipple.Randall@epa.gov

From: Courtnage, Robert
Sent: Tuesday, March 26, 2013 10:15 AM
To: Whipple, Randall
Cc: Bishop, Everett; Groeneveld, Thomas; Vendinello, Lynn; Anderson, Steve; Simons, Tom
Subject: RE: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Hi Randall-

(b) (5)



I will be sure to pass along the updates to the Iowa contact to our web person to add "NESHAP" to his name. Please let me know if you have any questions.


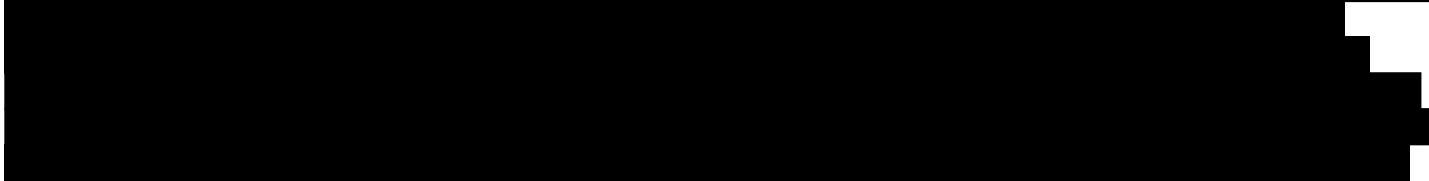
Kind Regards-

Robert T. Courtnage
National Program Chemicals Division
Office of Pollution Prevention and Toxics
U.S. EPA
202.566.1081

From: Whipple, Randall
Sent: Friday, March 22, 2013 6:52 PM
To: Courtnage, Robert
Cc: Bishop, Everett
Subject: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Robert,

I just completed providing an extensive written clarification regarding EPA's Model Accreditation Plan to Ms. Kathleen Uehling, State Attorney for the Labor Commissioner, Division of Labor Services, aka State of Iowa's OSHA and the Iowa Department of Natural Resources. (b) (5)



(b) (5)



Robert, thank you for any assistance you can provide in this matter. If you need to talk with me feel free to call me at anytime, perhaps next week. If you prefer to contact MS. Uehling with Iowa's Division of Labor Services, I'll be happy to provide you with her information.

Randall Whipple
Senior Asbestos Inspector & Regional Coordinator
U.S. Environmental Protection Agency, Region 7
Water, Wetlands and & Pesticides Division
Toxics and Pesticides Branch
11201 Renner Boulevard
Lenexa, Kansas 66219
Office: 913-551-7093
Fax: 913-551-9073
E-mail: Whipple.Randall@epa.gov

Sullivan, Tim

From: Bishop, Everett
Sent: Monday, April 01, 2013 7:54 AM
To: Simpson, Julie
Subject: RE: Asbestos CA letter
Attachments: DRAFT OECA National CA letter_04012013.docx **Attachment withheld - (b)(5)**

This is on my to do list. (b) (5)

[REDACTED]

[REDACTED]

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Simpson, Julie
Sent: Monday, April 01, 2013 7:33 AM
To: Bishop, Everett
Subject: Asbestos CA letter



(b) (5)

[REDACTED]

Julie Simpson

Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Bratko, Jeffrey
Sent: Monday, April 01, 2013 8:19 AM
Subject: IG Criticizes EPA's changes to EPA's AHERA program
Attachments: 20130327-13-P-0201.pdf

This is what happens when EPA makes cuts to its programs without a clear process for making such decisions and without sufficient transparency and public participation in the decision making process

The EPA Needs to Improve Management of Its School Environmental Health Efforts

Report No. 13-P-0201 March 27, 2013

The EPA Reduced the Priority of Asbestos Inspections

The EPA reduced the priority of the Asbestos in Schools program for FY 2013. In a March 9, 2012, memorandum, the principal deputy assistant administrator of the OECA advised EPA regions about programs that were to have their priority and funding reduced, including AHERA. The EPA proposed reducing AHERA spending in order to increase support to other compliance monitoring and enforcement priorities. The March 9, 2012, disinvestment plan proposed reducing AHERA enforcement resources to less than a fourth of the existing level.² Regions would still respond to situations involving egregious violations that present significant risks to human health; however, most routine inspections would cease.

The proposed reduction plan met with opposition from regional staff, program offices and others. Several regional staff informed us that this reduction would have a negative impact on their ability to keep children safe from asbestos. One regional manager told us: "With the de-funding of the AHERA Inspection Program, fewer schools are being inspected for compliance with the AHERA regulations. Hence, [fewer] school children are being protected from the potential exposure to asbestos." Another regional manager said, "The continued budget reductions that have supported EPA's AHERA regulatory enforcement program have had an adverse impact on the protection of children's health in schools. The Region's field surveillance work has found that local education agencies are not in compliance with the regulatory requirements of AHERA." On June 6, 2012, the principal deputy assistant administrator, OECA, issued an update stating that, "[b]ased on regional and program input, OECA is no longer looking for a full budget adjustment plan" for AHERA. However, the June 6, 2012, correspondence also stated that OECA was still looking for regions to reduce their resources where possible. According to OECA, many schools successfully managed asbestos in place for decades. OECA explained that AHERA was a mature program that needed fewer resources to conduct inspections than in the past. However, the AHERA inspection is one of the few regulatory authorities the EPA has in schools. As such, reductions in AHERA inspections may increase overall environmental risks to children who attend primary and secondary schools, as those inspection reductions would lead to fewer opportunities for the EPA to be in the schools. As OECA changes compliance assistance or enforcement priorities for schools, OCHP and the regions may need to update their CGHS initiative plans to take into account these changes.

Sullivan, Tim

From: Bishop, Everett
Sent: Monday, April 01, 2013 8:26 AM
To: Simpson, Julie
Subject: FW: IG Criticizes EPA's changes to EPA's AHERA program
Attachments: 20130327-13-P-0201.pdf

Attachment available at the following: <https://www.epa.gov/sites/production/files/2015-09/documents/20130327-13-p-0201.pdf>

Julie -

The IG's report on Children's Health in Schools. (b) (5)

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Bratko, Jeffrey
Sent: Monday, April 01, 2013 8:19 AM
Subject: IG Criticizes EPA's changes to EPA's AHERA program

This is what happens when EPA makes cuts to its programs without a clear process for making such decisions and without sufficient transparency and public participation in the decision making process

The EPA Needs to Improve Management of Its School Environmental Health Efforts

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OECA was still looking for regions to reduce their resources where possible. According to OECA, many schools successfully managed asbestos in place for decades. OECA explained that AHERA was a mature program that needed fewer resources to conduct inspections than in the past. However, the AHERA inspection is one of the few regulatory authorities the EPA has in schools. As such, reductions in AHERA inspections may increase overall environmental risks to children who attend primary and secondary schools, as those inspection reductions would lead to fewer opportunities for the EPA to be in the schools. As OECA changes compliance assistance or enforcement priorities for schools, OCHP and the regions may need to update their CGHS initiative plans to take into account these changes.

Sullivan, Tim

From: Strickland, Ann
Sent: Monday, April 01, 2013 9:43 AM
To: Bishop, Everett; Duffy, Rick
Cc: Dorwin, Brian
Subject: FW: IG Criticizes EPA's changes to EPA's AHERA program
Attachments: 20130327-13-P-0201.pdf

[Attachment available at the following: https://www.epa.gov/sites/production/files/2015-09/documents/20130327-13-p-0201.pdf](https://www.epa.gov/sites/production/files/2015-09/documents/20130327-13-p-0201.pdf)

Fyi, in case you hadn't seen this already.

(b) (5)

Ann

From: Bratko, Jeffrey
Sent: Monday, April 01, 2013 8:19 AM
Subject: IG Criticizes EPA's changes to EPA's AHERA program

This is what happens when EPA makes cuts to its programs without a clear process for making such decisions and without sufficient transparency and public participation in the decision making process

The EPA Needs to Improve Management of Its School Environmental Health Efforts

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regulatory authorities the EPA has in schools. As such, reductions in AHERA inspections may increase overall environmental risks to children who attend primary and secondary schools, as those inspection reductions would lead to fewer opportunities for the EPA to be in the schools. As OECA changes compliance assistance or enforcement priorities for schools, OCHP and the regions may need to update their CGHS initiative plans to take into account these changes.

Sullivan, Tim

From: Simpson, Julie
Sent: Monday, April 01, 2013 9:59 AM
To: Bishop, Everett
Subject: RE: IG Criticizes EPA's changes to EPA's AHERA program

Interesting.

From: Bishop, Everett
Sent: Monday, April 01, 2013 8:26 AM
To: Simpson, Julie
Subject: FW: IG Criticizes EPA's changes to EPA's AHERA program

Julie -

The IG's report on Childrens Health in Schools. (b) (5)

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Bratko, Jeffrey
Sent: Monday, April 01, 2013 8:19 AM
Subject: IG Criticizes EPA's changes to EPA's AHERA program

This is what happens when EPA makes cuts to its programs without a clear process for making such decisions and without sufficient transparency and public participation in the decision making process

The EPA Needs to Improve Management of Its School Environmental Health Efforts

Report No. 13-P-0201 March 27, 2013

The EPA Reduced the Priority of Asbestos Inspections

The EPA reduced the priority of the Asbestos in Schools program for FY 2013. In a March 9, 2012, memorandum, the principal deputy assistant administrator of the OECA advised EPA regions about programs that were to have their priority and funding reduced, including AHERA. The EPA proposed reducing AHERA spending in order to increase support to other compliance monitoring and enforcement priorities. The March 9, 2012, disinvestment plan proposed reducing AHERA enforcement resources to less than a fourth of the existing level.² Regions would still respond to situations involving egregious violations that present significant risks to human health; however, most routine inspections would cease.

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from the potential exposure to asbestos.” Another regional manager said, “The continued budget reductions that have supported EPA’s AHERA regulatory enforcement program have had an adverse impact on the protection of children’s health in schools. The Region’s field surveillance work has found that local education agencies are not in compliance with the regulatory requirements of AHERA.” On June 6, 2012, the principal deputy assistant administrator, OECA, issued an update stating that, “[b]ased on regional and program input, OECA is no longer looking for a full budget adjustment plan” for AHERA. However, the June 6, 2012, correspondence also stated that OECA was still looking for regions to reduce their resources where possible. According to OECA, many schools successfully managed asbestos in place for decades. OECA explained that AHERA was a mature program that needed fewer resources to conduct inspections than in the past. However, the AHERA inspection is one of the few regulatory authorities the EPA has in schools. As such, reductions in AHERA inspections may increase overall environmental risks to children who attend primary and secondary schools, as those inspection reductions would lead to fewer opportunities for the EPA to be in the schools. As OECA changes compliance assistance or enforcement priorities for schools, OCHP and the regions may need to update their CGHS initiative plans to take into account these changes.

Sullivan, Tim

From: Bishop, Everett
Sent: Monday, April 01, 2013 1:55 PM
To: Simpson, Julie
Subject: RE: Asbestos CA letter
Attachments: DRAFT OECA National CA letter_04012013 clean copy.docx *Attachment withheld - (b)(5)*

Just one last review, I hope. I've removed the signatures and added the Unknown signature block (Xxxx). (b) (5)

[REDACTED]

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Simpson, Julie
Sent: Monday, April 01, 2013 10:29 AM
To: Bishop, Everett
Subject: RE: Asbestos CA letter



Yes, and one of the earlier versions had a sort of dummy signature block,

Sincerely,

XXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXX

That sort of thing, maybe we should put it back to show this is a model letter. (b) (5)

[REDACTED]

From: Bishop, Everett
Sent: Monday, April 01, 2013 10:25 AM
To: Simpson, Julie
Subject: RE: Asbestos CA letter

Take this version and remove the signatures. Is that correct?

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Simpson, Julie
Sent: Monday, April 01, 2013 10:23 AM
To: Bishop, Everett
Subject: RE: Asbestos CA letter



This looks good, thanks. One more thing – could you go back to one of the earlier versions that has an empty signature block? (b) (5)

From: Bishop, Everett
Sent: Monday, April 01, 2013 7:54 AM
To: Simpson, Julie
Subject: RE: Asbestos CA letter

This is on my to do list. (b) (5)

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

From: Simpson, Julie
Sent: Monday, April 01, 2013 7:33 AM
To: Bishop, Everett
Subject: Asbestos CA letter



(b) (5)

Julie Simpson

Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Bishop, Everett
Sent: Monday, April 01, 2013 2:39 PM
To: Vendinello, Lynn; Sullivan, Greg
Cc: Simpson, Julie
Subject: Asbestos CA letter
Attachments: DRAFT OECA National CA letter_04012013 clean copy.docx *Attachment withheld - (b)(5)*

Greg and Lynn -

The Compliance Assistance letter that the Office of Compliance (b) (5)

Would you and your staff please review the letter one last time before we make it available to the regions.

Please forward any comments to my Branch Chief, Julie Simpson, and cc: me by Friday, April 5-COB.

We appreciate your time and assistance.

Thanks.

Everett Bishop
Office of Compliance
US EPA
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Courtnage, Robert
Sent: Friday, April 05, 2013 9:35 AM
To: Whipple, Randall
Cc: Green, Jamie; Bishop, Everett; Vendinello, Lynn; Groeneveld, Thomas
Subject: RE: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Randall-

I spoke to my management. (b) (5)



Regards-

Robert T. Courtnage
National Program Chemicals Division
Office of Pollution Prevention and Toxics
U.S. EPA
202.566.1081

From: Whipple, Randall
Sent: Wednesday, March 27, 2013 2:21 PM
To: Courtnage, Robert
Cc: Green, Jamie; Bishop, Everett
Subject: RE: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Robert,

Thank you for your prompt response. (b) (5)




I greatly appreciate any assistance you can provide in this matter. Hopefully, we can provide them with a resolution in this matter soon. I've already received another call from the state to see if I spoken to anyone yet, about a correction in the statement.

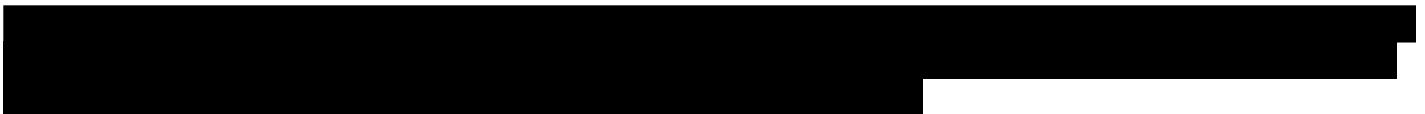
Randall Whipple

Senior Asbestos Inspector & Regional Coordinator
U.S. Environmental Protection Agency, Region 7
Water, Wetlands and & Pesticides Division
Toxics and Pesticides Branch
11201 Renner Boulevard
Lenexa, Kansas 66219
Office: 913-551-7093
Fax: 913-551-9073
E-mail: Whipple.Randall@epa.gov

From: Courtnage, Robert
Sent: Tuesday, March 26, 2013 10:15 AM
To: Whipple, Randall
Cc: Bishop, Everett; Groeneveld, Thomas; Vendinello, Lynn; Anderson, Steve; Simons, Tom
Subject: RE: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Hi Randall-

(b) (5)



I will be sure to pass along the updates to the Iowa contact to our web person to add "NESHAP" to his name. Please let me know if you have any questions.




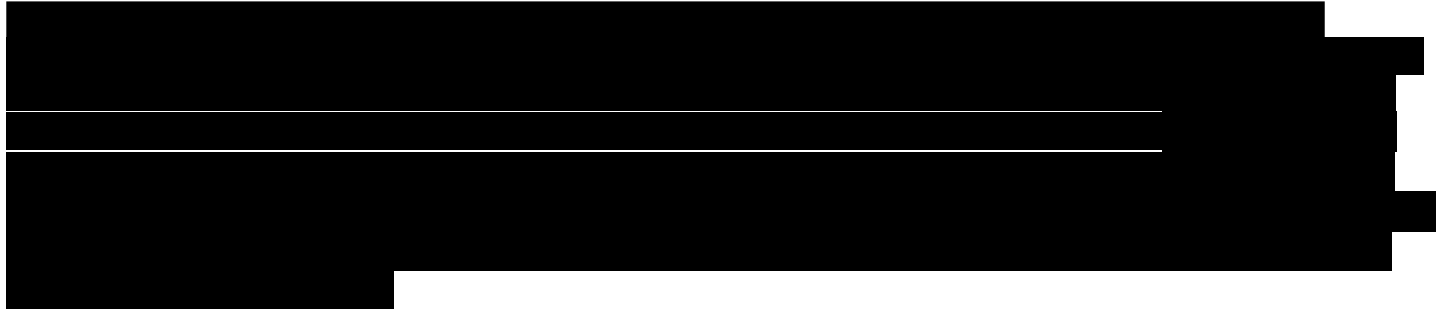
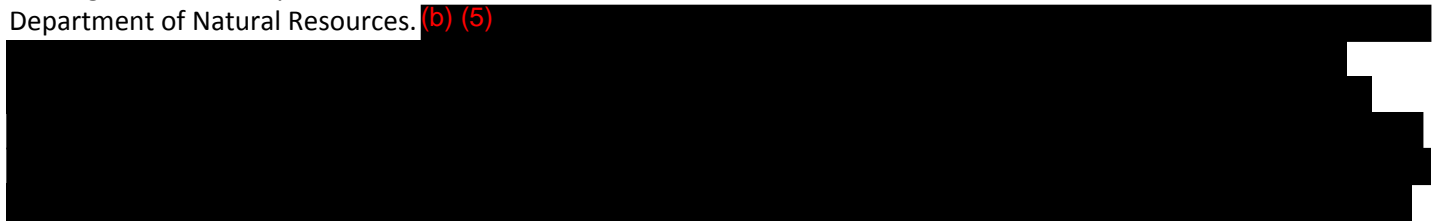
Kind Regards-

Robert T. Courtnage
National Program Chemicals Division
Office of Pollution Prevention and Toxics
U.S. EPA
202.566.1081

From: Whipple, Randall
Sent: Friday, March 22, 2013 6:52 PM
To: Courtnage, Robert
Cc: Bishop, Everett
Subject: Request for correction to "State Asbestos Contacts" listing and introductory paragraph.

Robert,

I just completed providing an extensive written clarification regarding EPA's Model Accreditation Plan to Ms. Kathleen Uehling, State Attorney for the Labor Commissioner, Division of Labor Services, aka State of Iowa's OSHA and the Iowa Department of Natural Resources. (b) (5)



Robert, thank you for any assistance you can provide in this matter. If you need to talk with me feel free to call me at anytime, perhaps next week. If you prefer to contact MS. Uehling with Iowa's Division of Labor Services, I'll be happy to provide you with her information.

Randall Whipple
Senior Asbestos Inspector & Regional Coordinator
U.S. Environmental Protection Agency, Region 7
Water, Wetlands and & Pesticides Division
Toxics and Pesticides Branch
11201 Renner Boulevard
Lenexa, Kansas 66219
Office: 913-551-7093
Fax: 913-551-9073
E-mail: Whipple.Randall@epa.gov

Sullivan, Tim

From: Simpson, Julie
Sent: Wednesday, April 10, 2013 2:10 PM
To: El-Abdaoui, Fatima; Green, Jamie; Hayes, Sharon; Ken Eng; Klevs, Mardi; Kristina Colt; Priselac, Adrienne; Singhvi, Sunita; Turcotte, Cheryl; Van Shreves
Cc: Bishop, Everett
Subject: Draft AHERA compliance assistance letter
Attachments: DRAFT OECA National CA letter_04012013 clean copy.docx *Attachment withheld - (b)(5)*



(b) (5)

Could you please take a look at the attached and let Everett or me know by the end of next week whether you have any comments or suggestions. Thanks --

Julie Simpson

Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Colt, Christina
Sent: Friday, April 12, 2013 12:43 AM
To: Simpson, Julie; Bishop, Everett
Cc: Tartaglia, Maria; Farnham, Kim; Reid, Wallace
Subject: Region 10's comments on the Draft AHERA compliance assistance letter
Attachments: 2013.04.11 - Comments to AHERA Compliance Assistance Letter.docx

Attachment withheld - (b)(5)

Hi Julie & Everett

(b) (5)



Feel free to contact Socky directly at 206 553-1128

Kris Colt, Manager
Prevention and Materials Management Unit
U.S. Environmental Protection Agency
1200 Sixth Ave., Suite 900, AWT-128
Seattle, WA 98101
(206) 553-0058
colt.christina@epa.gov

From: Tartaglia, Maria
Sent: Thursday, April 11, 2013 10:15 AM
To: Colt, Christina
Subject: RE: Please look over this Draft AHERA compliance assistance letter
Hi Kris:

Thank you for giving me the opportunity to review and provide comments to the attached document. My comments are in red text.

(b) (5)



Socky

From: Simpson, Julie
Sent: Wednesday, April 10, 2013 11:15 AM

To: Eng, Ken; Shrieves, Van; Colt, Christina
Subject: FW: Draft AHERA compliance assistance letter

From: Simpson, Julie
Sent: Wednesday, April 10, 2013 2:10 PM
To: El-Abdaoui, Fatima; Green, Jamie; Hayes, Sharon; 'Ken Eng'; Klevs, Mardi; 'Kristina Colt'; Priselac, Adrienne; Singhvi, Sunita; Turcotte, Cheryl; 'Van Shreves'
Cc: Bishop, Everett
Subject: Draft AHERA compliance assistance letter



(b) (5) [REDACTED]

Could you please take a look at the attached and let Everett or me know by the end of next week whether you have any comments or suggestions. Thanks --

Julie Simpson

Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Simpson, Julie
Sent: Friday, April 12, 2013 8:31 AM
To: Bishop, Everett
Subject: FW: Suggested additions to the Draft AHERA compliance assistance letter
Attachments: DRAFT OECA National CA letter with R8 additions.docx *Attachment withheld - (b)(5)*

From: Zielinski, Victor
Sent: Thursday, April 11, 2013 4:29 PM
To: Simpson, Julie
Cc: Turcotte, Cheryl
Subject: Suggested additions to the Draft AHERA compliance assistance letter

(b) (5)



Vic Zielinski
Compliance Inspector
Office of Enforcement, Compliance and Environmental Justice
(303) 312-6365

Sullivan, Tim

From: Simpson, Julie
Sent: Friday, April 26, 2013 2:05 PM
To: Bishop, Everett
Subject: FW: Suggested additions to the Draft AHERA compliance assistance letter
Attachments: DRAFT OECA National CA letter with R8 additions.docx *Attachment withheld - (b)(5)*

Did I send you this?

From: Zielinski, Victor
Sent: Thursday, April 11, 2013 4:29 PM
To: Simpson, Julie
Cc: Turcotte, Cheryl
Subject: Suggested additions to the Draft AHERA compliance assistance letter

(b) (5)



Vic Zielinski
Compliance Inspector
Office of Enforcement, Compliance and Environmental Justice
(303) 312-6365

Sullivan, Tim

From: Bishop, Everett
Sent: Wednesday, May 01, 2013 12:19 PM
To: Simpson, Julie
Subject: Final CA letter for LEAs
Attachments: DRAFT OECA National CA letter_05012013.docx *Attachment withheld - (b)(5)*

Julie –

(b) (5)



Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Bishop, Everett
Sent: Tuesday, May 07, 2013 8:42 AM
To: Worris, Maria
Subject: Compliance Assistance letter for Regional DDs
Attachments: DRAFT OECA National CA letter_05012013.docx *Attachment withheld - (b)(5)*

Maria –

Please take a look at this letter for formatting issues. It does not need to be put into a final signature package.

(b) (5)



Thanks.

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Worris, Maria
Sent: Tuesday, May 07, 2013 9:58 AM
To: Bishop, Everett
Subject: revised school district letter
Attachments: DRAFT OECA National CA letter_05012013[revmw].docx

Attachment withheld - (b)(5)

Attached is my revision. (b) (5)



There is a split infinitive that the spell-grammar check does not like, somewhere near the end of the document. Hope this helps.

Maria Worris
USEPA/MAMPD/IO (2227A)
Federal Employee
PH: 202-564-7081
Fax: 202-564-0038
Rm 7149 Ariel Rios Bldg.

Sullivan, Tim

From: Bishop, Everett
Sent: Tuesday, May 07, 2013 12:25 PM
To: Simpson, Julie
Subject: CA letter and fact sheet
Attachments: DRAFT OECA National CA letter_05082013.docx; AHERA fact sheet_draft 05072013.docx

Attachments withheld - (b)(5)

Julie –

Attached are the two documents. Maria went over the letter and formatted it.

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Simpson, Julie
Sent: Thursday, May 09, 2013 1:49 PM
To: Ambrosino, Helene; Bishop, Everett; Mason, John; Ripp, Thomas
Subject: Revised language for TSCA CM web page
Attachments: TSCA CM web page.docx *Attachment withheld - (b)(5)*

Please review and comment. (b) (5)

Julie Simpson
Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Bishop, Everett
Sent: Friday, May 10, 2013 9:56 AM
To: Simpson, Julie
Subject: RE: CA letter and fact sheet
Attachments: DRAFT OECA National CA letter_05102013.docx *Attachment withheld - (b)(5)*

I went through each hyperlink. They should be working properly.

From: Simpson, Julie
Sent: Thursday, May 09, 2013 10:50 AM
To: Bishop, Everett
Subject: RE: CA letter and fact sheet

These look really good. We are very very close. Because I knew others would do this, I checked the links. The second link, to asbestos in schools, did not work and the TSCA Hotline link didn't either. There were others that seemed like they went to older pages and redirected right away, so maybe we should use an updated address. Could you just check this one last thing – then I think we are ready to go. Thanks for all your hard work on this.

From: Bishop, Everett
Sent: Tuesday, May 07, 2013 12:25 PM
To: Simpson, Julie
Subject: CA letter and fact sheet

Julie –

Attached are the two documents. Maria went over the letter and formatted it.

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Bishop, Everett
Sent: Friday, May 10, 2013 10:00 AM
To: Simpson, Julie
Subject: RE: CA letter and fact sheet
Attachments: AHERA fact sheet_draft 05072013.docx *Attachment withheld - (b)(5)*

From: Simpson, Julie
Sent: Friday, May 10, 2013 9:58 AM
To: Bishop, Everett
Subject: RE: CA letter and fact sheet

The fact sheet too?

From: Bishop, Everett
Sent: Friday, May 10, 2013 9:56 AM
To: Simpson, Julie
Subject: RE: CA letter and fact sheet

I went through each hyperlink. They should be working properly.

From: Simpson, Julie
Sent: Thursday, May 09, 2013 10:50 AM
To: Bishop, Everett
Subject: RE: CA letter and fact sheet

These look really good. We are very very close. Because I knew others would do this, I checked the links. The second link, to asbestos in schools, did not work and the TSCA Hotline link didn't either. There were others that seemed like they went to older pages and redirected right away, so maybe we should use an updated address. Could you just check this one last thing – then I think we are ready to go. Thanks for all your hard work on this.

From: Bishop, Everett
Sent: Tuesday, May 07, 2013 12:25 PM
To: Simpson, Julie
Subject: CA letter and fact sheet

Julie –

Attached are the two documents. Maria went over the letter and formatted it.

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Bishop, Everett
Sent: Friday, May 10, 2013 12:58 PM
To: Simpson, Julie
Subject: CA Fact sheet for AHERA
Attachments: AHERA fact sheet_draft 05102013.docx *Attachment withheld - (b)(5)*

Fixed the two links. Disposed of the third page. On the Paragraph area under the Home Tab, there are two rows of icons that allow you to manipulate the paragraph. On the first row, last Icon that looks like the paragraph symbol. If you click on that, you open up some formatting codes. I'm not sure what I did on the second page, but it removed the third page.

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Simpson, Julie
Sent: Monday, May 13, 2013 9:01 AM
To: Messina, Edward;Pontius, Ann;Duffy, Rick;Herz, Marion
Cc: Bishop, Everett
Subject: AHERA Model Compliance Assistance Letter and Fact Sheet
Attachments: DRAFT OECA National CA letter_05102013.docx; AHERA fact sheet_draft 05102013.docx

Attachments withheld - (b)(5)

This package went forward on Friday. Here are the electronic versions of the documents in case you want to click through the links.

Julie Simpson
Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Simpson, Julie
Sent: Tuesday, May 14, 2013 2:43 PM
To: Herz, Marion; Mayo, Jibri
Cc: Derieux, Walter; Mason, John; Bishop, Everett; Yaras, Michelle; Liem, Francisca
Subject: FW: Next Steps on the Compliance Resource Directory
Attachments: TSCA CM web page.docx [Attachment withheld - \(b\)\(5\)](#)

Walt reviewed the RCRA pages for us and had one comment.

I have attached a document with a draft rewrite of the TSCA pages.

Michelle and Jibri will be meeting this week to discuss whether restructuring is needed for the FIFRA pages.

Frances has reviewed the GLP pages and has no changes.

From: Derieux, Walter
Sent: Thursday, May 09, 2013 9:37 AM
To: Simpson, Julie
Subject: RE: Next Steps on the Compliance Resource Directory

Julie,

RCRA site looks good although I have just one comment.

- The below bullet has a broken link:

Manuals and Guidance Documents

- [RCRA Enforcement and Compliance \(PDF\)](#) (16 pp, 55K) training module provides an explanation of the various components of the RCRA enforcement program and enforcement mechanisms

Walt

From: Simpson, Julie
Sent: Wednesday, May 08, 2013 2:09 PM
To: Derieux, Walter
Cc: Chow, Emily
Subject: Fw: Next Steps on the Compliance Resource Directory

Walt, could you look at the RCRA page ASAP and let me know if any changes are needed -- thanks.

From: Herz, Marion
Sent: Tuesday, May 07, 2013 3:44:52 PM
To: Banks, Julius; Simpson, Julie; Back, Tracy; Pontius, Ann; Knopes, Christopher; Palmer, Daniel; Messina, Edward; Dombrowski, John; Reed, Lucy; Richardson, Michael; Walker, Mike; Duffy, Rick
Cc: Lund, Lisa; Segall, Martha; Colbert, Richard
Subject: Next Steps on the Compliance Resource Directory

This morning, Jibri and I reviewed the status of the Compliance Resource Directory. This email follows our initial meetings with you in February and March and the discussions we've had since then.

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SEND YOUR EDITED PAGES AND COMPLETED SPREAD SHEET TO ME AND JIBRI BEFORE MONDAY, MAY 13.

Jibri and I will review what you send and let you know if we have any questions.

Compliance Assistance folks – We are still reviewing what you sent, and will let you know if we have any questions.

Let me know if you have any questions.

Thanks,
Marion

Marion R. Herz
Chief of Staff
Office of Compliance
202-564-1084

Marion R. Herz
Chief of Staff
Office of Compliance
202-564-1084

Sullivan, Tim

From: Simpson, Julie
Sent: Thursday, May 30, 2013 7:41 AM
To: Bishop, Everett
Subject: New proposed TSCA pages
Attachments: TSCA CM web page.docx

Attachment withheld - (b)(5)

Julie Simpson
Chief, Pesticides, Waste, and Toxics Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance, OECA
(202) 566-1980

Sullivan, Tim

From: Bishop, Everett
Sent: Thursday, May 30, 2013 8:15 AM
To: Yaras, Michelle
Cc: Simpson, Julie
Subject: AHERA CA letter and fact sheet
Attachments: DRAFT OECA National CA letter_05102013.docx; AHERA fact sheet_draft 05102013.docx;
Draft Letter to DD_CA Letter 05302013.docx

Attachments withheld - (b)(5)

Michelle –

Attached are the letter and fact sheet. Both are in Word. (b) (5)

[REDACTED]

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Bratko, Jeffrey
Sent: Thursday, May 30, 2013 8:21 AM
To: Strickland, Ann
Cc: Bishop, Everett
Subject: FW: Asbestos Framework
Attachments: Asbestos Framework Final.pdf

Attachment available at the following:
<https://semspub.epa.gov/work/HQ/175329.pdf>

(b) (5)



From: Mark Durno/R5/USEPA/US
To: Shelly Lam/R5/USEPA/US@EPA, RALPH DOLLHOPF/R5/USEPA/US@EPA, PARTAP LALL/R5/USEPA/US@EPA, Jon Gulch/R5/USEPA/US@EPA, Jeffrey Kimble/R5/USEPA/US@EPA, Brian Kelly/R5/USEPA/US@EPA, James Justice/R5/USEPA/US@EPA, James Augustyn/R5/USEPA/US@EPA, Joseph Fredle/R5/USEPA/US@EPA, Bradley Benning/R5/USEPA/US@EPA, SAMUEL BORRIES/R5/USEPA/US@EPA, STAVROS EMMANOUIL/R5/USEPA/US@EPA, STEVEN FARYAN/R5/USEPA/US@EPA, Kevin Turner/R5/USEPA/US@EPA, Steven Renninger/Ci/USEPA/US@EPA, Kathy Ha bur/R5/USEPA/US@EPA, ANITA BOSEMAN/R5/USEPA/US@EPA, FREDRICK MICKE/R5/USEPA/US@EPA, VERNETA SIMON/R5/USEPA/US@EPA, SONIA VEGA/R5/USEPA/US@EPA, LEONARD ZINTAK/R5/USEPA/US@EPA, Craig Thomas/R5/USEPA/US@EPA, James Mitchell/R5/USEPA/US@EPA, Theresa Holz/R5/USEPA/US@EPA, M ke Beslow/R5/USEPA/US@EPA, Jaime Brown/R5/USEPA/US@EPA, Ramon Mendoza/R5/USEPA/US@EPA, Stephen Wolfe/R5/USEPA/US@EPA, Tricia Edwards/R5/USEPA/US@EPA, Lori Muller/R5/USEPA/US@EPA, Jeffrey Lippert/R5/USEPA/US@EPA, Paul Ruesch/R5/USEPA/US@EPA, Paul Atkociunas/R5/USEPA/US@EPA, Elizabeth Nightingale/R5/USEPA/US@EPA, Jacob Hassan/R5/USEPA/US@EPA, Jason Sewell/R5/USEPA/US@EPA, Andrew Maguire/R5/USEPA/US@EPA
Cc: Jason El-Zein/R5/USEPA/US@EPA, Jon Gulch, Charles Gebien/R5/USEPA/US@EPA, MICHELLE JASTER/R5/USEPA/US@EPA, Cecilia Moore/R5/USEPA/US@EPA, Mike Ribordy/R5/USEPA/US@EPA, Mindy Clements/R5/USEPA/US@EPA, Verneta Simon, Wendy Melgin/R5/USEPA/US@EPA
Date: 01/30/2012 09:19 AM
Subject: Asbestos Framework

OSCs,

(b) (5)





Hope this helps....

md

Mark Durno
Chief, Response Section 1
U.S. EPA Region V
25089 Center Ridge Road
Westlake, OH 44145
440-250-1743

Sullivan, Tim

From: Bishop, Everett
Sent: Thursday, June 06, 2013 12:31 PM
To: hparker@pta.org
Subject: Environmental issues that affect Healthy Schools

Ms. Parker –

I work for the US Environmental Protection Agency in the Office of Compliance. One of our goals is to promote compliance with our various environmental programs. One way we do this is by reaching out to various groups which may play a part in a particular environmental program. In this instance, I am thinking of the Asbestos Hazard Emergency Response Act program. The program focuses on schools knowing whether they have asbestos-containing materials within the school building. If the school does have asbestos-containing materials is the school monitoring the status of the material so that it does not become friable. If it should become friable, then the school quickly acts to remove the material.

I noticed on your webpage you have information regarding health and safety but nothing on environmental issues.

The EPA offers a wealth of information that parents and teachers may find useful ensuring the school offers a healthy environment to the children, teachers, administrators and staff.

You may find these sites useful for parents and teachers.

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<http://npic.orst.edu/pest/schoolipm.html> (integrated pest management at schools)

<http://www.epa.gov/schools/> (EPA Healthy Schools Initiative)

I hope you might consider these web links for your organization's web page.

Please contact me if you have any questions.

Thank you for your time and consideration

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Yaras, Michelle
Sent: Thursday, June 06, 2013 2:59 PM
To: Simpson, Julie; Bishop, Everett
Subject: files for AHERA letter
Attachments: DRAFT OECA National CA letter6-6-13.docx; lea-asbestos-factsheet.pdf

Attachments withheld - (b)(5)

Michelle Yaras
Monitoring, Assistance and Media Program Division/OC
1200 Pennsylvania Ave., NW (2227A)
Washington, DC 20460
202-564-4153

Sullivan, Tim

From: Simpson, Julie
Sent: Friday, June 07, 2013 3:54 PM
To: Messina, Edward; Duffy, Rick
Cc: Bishop, Everett
Subject: FW: Environmental issues that affect Healthy Schools

From: Bishop, Everett
Sent: Thursday, June 06, 2013 12:31 PM
To: hparker@pta.org
Subject: Environmental issues that affect Healthy Schools

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Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032

Fax: (202) 564-0050

Sullivan, Tim

From: Messina, Edward
Sent: Friday, June 07, 2013 4:01 PM
To: Simpson, Julie; Duffy, Rick
Cc: Bishop, Everett
Subject: RE: Environmental issues that affect Healthy Schools

OK. Looks like we are done here.

Ed Messina
Director
Monitoring, Assistance, and Media Programs Division
U.S. EPA
1200 Pennsylvania Ave., N.W. (MC-2227A)
Washington, DC 20460
p: (202) 564-1191
f: (202) 564-0050

From: Simpson, Julie
Sent: Friday, June 07, 2013 3:54 PM
To: Messina, Edward; Duffy, Rick
Cc: Bishop, Everett
Subject: FW: Environmental issues that affect Healthy Schools

From: Bishop, Everett
Sent: Thursday, June 06, 2013 12:31 PM
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Please contact me if you have any questions.

Thank you for your time and consideration

Everett Bishop

US EPA

Office of Compliance

Phone: (202) 564-7032

Fax: (202) 564-0050

Sullivan, Tim

From: Simpson, Julie
Sent: Friday, June 07, 2013 4:02 PM
To: Messina, Edward; Duffy, Rick
Cc: Bishop, Everett
Subject: RE: Environmental issues that affect Healthy Schools

Excellent, thanks!

From: Messina, Edward
Sent: Friday, June 07, 2013 4:01 PM
To: Simpson, Julie; Duffy, Rick
Cc: Bishop, Everett
Subject: RE: Environmental issues that affect Healthy Schools

OK. Looks like we are done here.

Ed Messina
Director
Monitoring, Assistance, and Media Programs Division
U.S. EPA
1200 Pennsylvania Ave., N.W. (MC-2227A)
Washington, DC 20460
p: (202) 564-1191
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From: Simpson, Julie
Sent: Friday, June 07, 2013 3:54 PM
To: Messina, Edward; Duffy, Rick
Cc: Bishop, Everett
Subject: FW: Environmental issues that affect Healthy Schools

From: Bishop, Everett
Sent: Thursday, June 06, 2013 12:31 PM
To: hparker@pta.org
Subject: Environmental issues that affect Healthy Schools

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Please contact me if you have any questions.

Thank you for your time and consideration

Everett Bishop

US EPA

Office of Compliance

Phone: (202) 564-7032

Fax: (202) 564-0050

Sullivan, Tim

From: Duffy, Rick
Sent: Monday, June 10, 2013 4:01 PM
To: Bishop, Everett
Subject: FW: Environmental issues that affect Healthy Schools

Good work on the PTA front! Thank you.

From: Simpson, Julie
Sent: Friday, June 07, 2013 4:02 PM
To: Messina, Edward; Duffy, Rick
Cc: Bishop, Everett
Subject: RE: Environmental issues that affect Healthy Schools

Excellent, thanks!

From: Messina, Edward
Sent: Friday, June 07, 2013 4:01 PM
To: Simpson, Julie; Duffy, Rick
Cc: Bishop, Everett
Subject: RE: Environmental issues that affect Healthy Schools

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Ed Messina
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Monitoring, Assistance, and Media Programs Division
U.S. EPA
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Washington, DC 20460
p: (202) 564-1191
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From: Simpson, Julie
Sent: Friday, June 07, 2013 3:54 PM
To: Messina, Edward; Duffy, Rick
Cc: Bishop, Everett
Subject: FW: Environmental issues that affect Healthy Schools

From: Bishop, Everett
Sent: Thursday, June 06, 2013 12:31 PM
To: hparker@pta.org
Subject: Environmental issues that affect Healthy Schools

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I hope you might consider these web links for your organization's web page.

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Thank you for your time and consideration

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Bishop, Everett
Sent: Tuesday, June 25, 2013 4:12 PM
To: Duffy, Rick
Subject: FW: Environmental issues that affect Healthy Schools

Rick –

This what I sent to the PTA (Heather Parker) regarding environmental information, starting with Asbestos. There was no phone number associated with her name, just an email address. I used this website to identify Ms. Parker under Programs and Partnerships <http://www.pta.org/about/content.cfm?ItemNumber=948>. I did not get a response from Ms. Parker or anyone else from the PTA organization.

From: Bishop, Everett
Sent: Thursday, June 06, 2013 12:31 PM
To: 'hparker@pta.org'
Subject: Environmental issues that affect Healthy Schools

Ms. Parker –

I work for the US Environmental Protection Agency in the Office of Compliance. One of our goals is to promote compliance with our various environmental programs. One way we do this is by reaching out to various groups which may play a part in a particular environmental program. In this instance, I am thinking of the Asbestos Hazard Emergency Response Act program. The program focuses on schools knowing whether they have asbestos-containing materials within the school building. If the school does have asbestos-containing materials is the school monitoring the status of the material so that it does not become friable. If it should become friable, then the school quickly acts to remove the material.

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Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Bratko, Jeffrey
Sent: Monday, July 01, 2013 8:01 AM
To: 'Sloan, Robert L'; King, Phillip; Garlow, Charlie; 'mlong@co.pinellas.fl.us'; Bratko, Jeffrey; 'Kathryn Russell'; 'DavisM1@DNR.state.wi.us'; 'Tom Buchan'; Bishop, Everett; Fairchild, Susan; Eppler, David; Cullen, Raymond; Zielinski, Victor; 'lakestates@charter.net.'; 'Crane, Michele A'; Anderson, Steve; 'Jones, Frederick'
Subject: Arizona - Updates under way: AJUSD updating asbestos-management plans after inquiries from parent

Updates under way: AJUSD updating asbestos-management plans after inquiries from parent

By Wendy Miller
Independent Newsmedia Inc. USA

Updated June 28, 2013

The [Apache Junction Unified School District](#) expects to have updated hard copies of its asbestos-management plan at each of its schools by Wednesday, Aug. 7, the start of its 2013-14 school year.

“There is a ton of updating,” AJUSD Superintendent [Dr. Chad Wilson](#) said during an interview last week.

Updating the plans is long overdue, according to AJUSD parent Matthew Mott. During an interview last week he claimed he encountered numerous roadblocks and some school staff members who did not know the plans even existed when he attempted to obtain one in late May.

Mr. Mott wanted to see the plan after reading in the newspaper that the school district had paid a \$7,933 fine to the U.S. Environmental Protection Agency for EPA violations. According to a letter dated Feb. 19 from Dr. Wilson, the district was cited for failure to re-inspect three schools for asbestos and failure to have asbestos-management plans at three schools.

The schools are: Apache Junction High School, 2525 S. Ironwood Drive; Cactus Canyon Junior High (formerly called Desert Shadows), 801 W. Southern Ave.; and Superstition Mountain Elementary, 550 S. Ironwood Drive,

The Asbestos Hazard Emergency Response Act and its regulations require public school districts and nonprofit schools to inspect their schools for asbestos-containing building material, prepare management plans and to take action to prevent or reduce asbestos hazards, according to the [EPA website](#).

Inspections by Phoenix-based Western Technologies, Inc., verified the asbestos in the three schools is under containment, according to the asbestos-management plan dated June 24 2011. Removal of these materials is not usually necessary unless the material is severely damaged or will be disturbed by a building demolition or renovation project, according to the EPA website.

According to the consent agreement and final order issued by the EPA and dated March 1, 2012, no asbestos-containing building materials are present in the district's remaining schools: Peralta Trail Elementary, 2535 S. Ironwood Drive; Desert Vista Elementary, 3701 E. Broadway Ave.; and Four Peaks Elementary, 1755 N. Idaho Road, although school buildings that were previously part of Four Peaks do contain asbestos-containing building materials and are under containment, according to the district's 2011 plan. The buildings are being used by the Boys and Girls Club of Apache Junction.

Asbestos is the name given to a group of naturally occurring minerals used in certain products, such as building materials and vehicle brakes, to resist heat and corrosion, according to the website for the U.S. Department of Labor Occupational Safety and Health Administration, www.osha.gov. The inhalation of asbestos fibers by workers can cause serious diseases of the lungs and other organs that may not appear until years after the exposure has occurred, the site said.

“Asbestos in schools has the potential to harm the health of students, teachers and maintenance workers,” Jared Blumenfeld, EPA’s regional administrator for the Pacific Southwest, said in the AHERA release. “EPA takes these violations seriously, and we are satisfied the schools have now conducted inspections and put their asbestos plans in place.”

Mr. Mott’s inquiry is the second time this year the issue of the asbestos-management plan availability has been raised. The first was in February, when AJUSD was fined for the EPA violations. Its original \$21,675 fine was reduced to \$7,933 because of the school district’s cost of achieving compliance, a press release said.

Mr. Mott said he never saw the Feb. 19 letter to parents regarding the fine from Dr. Wilson. During an interview last week, Mr. Mott questioned why an important communique would be sent home with a child, who could leave it in his or her backpack.

During an interview last week, Dr. Wilson said the letter, as well as other school communications, was sent home with the students as part of a cost-cutting effort to save postage. He said the district “tries to blanket as much of the community as it possibly can.” He said the information also is posted online at www.ajusd.org.

Mr. Mott said he did not know that asbestos was present in some schools until he read the newspaper article.

“My kids go to the schools and I see this article about them being fined. I wanted to find out where the asbestos was,” Mr. Mott said.

In the most recent summary of its asbestos operations and maintenance plan, dated June 2011 and provided to the Independent by Mr. Mott, the school district states a binder with the asbestos-management plan “should be kept in the main corporate office for the AJUSD and a copy at each campus.” It adds “all forms and certificates must be kept a minimum of 30 years or the life of the structure and/or the final removal of identified asbestos-containing materials.”

However, when Mr. Mott asked on May 28 to see the plan at Apache Junction High School, where some of his children have attended school, the front desk staff did not know about the plan, he said. That was the case at all the schools he visited, he said.

While at the high school, he was eventually directed to a computer disk stored on a wall that contained an electronic version of the plan, he said.

The office did not have a computer on which he could view the disk, Mr. Mott said, and so a secretary placed it in her computer. The disk did not work, according to Mr. Mott.

Due to the summer break, the high school office staff was not available for comment. However, Dr. Wilson confirmed last week that some of the disks, while cost-effective, were faulty.

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On Monday, July 22, the district office will resume a Monday-Friday schedule, and will be open 7:30 a.m.-4:30 p.m. All schools will resume normal business hours Monday, July 22, according to a press release issued in May by the district.

For more information, call the AJUSD district office at 480-982-1110.

Sullivan, Tim

From: Bishop, Everett
Sent: Monday, July 01, 2013 9:31 AM
To: Satterfield, Richard
Subject: FW: Arizona - Updates under way: AJUSD updating asbestos-management plans after inquiries from parent

Rich –

(b) (5)



From: Bratko, Jeffrey
Sent: Monday, July 01, 2013 8:01 AM
To: 'Sloan, Robert L'; King, Phillip; Garlow, Charlie; 'mlong@co.pinellas.fl.us'; Bratko, Jeffrey; 'Kathryn Russell'; 'DavisM1@DNR.state.wi.us'; 'Tom Buchan'; Bishop, Everett; Fairchild, Susan; Eppler, David; Cullen, Raymond; Zielinski, Victor; 'lakestates@charter.net.'; 'Crane, Michele A'; Anderson, Steve; 'Jones, Frederick'
Subject: Arizona - Updates under way: AJUSD updating asbestos-management plans after inquiries from parent

Updates under way: AJUSD updating asbestos-management plans after inquiries from parent

By Wendy Miller
Independent Newsmedia Inc. USA

Updated June 28, 2013

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“There is a ton of updating,” AJUSD Superintendent [Dr. Chad Wilson](#) said during an interview last week.

Updating the plans is long overdue, according to AJUSD parent Matthew Mott. During an interview last week he claimed he encountered numerous roadblocks and some school staff members who did not know the plans even existed when he attempted to obtain one in late May.

Mr. Mott wanted to see the plan after reading in the newspaper that the school district had paid a \$7,933 fine to the U.S. Environmental Protection Agency for EPA violations. According to a letter dated Feb. 19 from Dr. Wilson, the district was cited for failure to re-inspect three schools for asbestos and failure to have asbestos-management plans at three schools.

The schools are: Apache Junction High School, 2525 S. Ironwood Drive; Cactus Canyon Junior High (formerly called Desert Shadows), 801 W. Southern Ave.; and Superstition Mountain Elementary, 550 S. Ironwood Drive,

The Asbestos Hazard Emergency Response Act and its regulations require public school districts and nonprofit schools to inspect their schools for asbestos-containing building material, prepare management plans and to take action to prevent or reduce asbestos hazards, according to the [EPA website](#).

Inspections by Phoenix-based Western Technologies, Inc., verified the asbestos in the three schools is under containment, according to the asbestos-management plan dated June 24 2011. Removal of these materials is not usually necessary unless the material is severely damaged or will be disturbed by a building demolition or renovation project, according to the EPA website.

According to the consent agreement and final order issued by the EPA and dated March 1, 2012, no asbestos-containing building materials are present in the district's remaining schools: Peralta Trail Elementary, 2535 S. Ironwood Drive; Desert Vista Elementary, 3701 E. Broadway Ave.; and Four Peaks Elementary, 1755 N. Idaho Road, although school buildings that were previously part of Four Peaks do contain asbestos-containing building materials and are under containment, according to the district's 2011 plan. The buildings are being used by the Boys and Girls Club of Apache Junction.

Asbestos is the name given to a group of naturally occurring minerals used in certain products, such as building materials and vehicle brakes, to resist heat and corrosion, according to the website for the U.S. Department of Labor Occupational Safety and Health Administration, www.osha.gov. The inhalation of asbestos fibers by workers can cause serious diseases of the lungs and other organs that may not appear until years after the exposure has occurred, the site said.

"Asbestos in schools has the potential to harm the health of students, teachers and maintenance workers," Jared Blumenfeld, EPA's regional administrator for the Pacific Southwest, said in the AHERA release. "EPA takes these violations seriously, and we are satisfied the schools have now conducted inspections and put their asbestos plans in place."

Mr. Mott's inquiry is the second time this year the issue of the asbestos-management plan availability has been raised. The first was in February, when AJUSD was fined for the EPA violations. Its original \$21,675 fine was reduced to \$7,933 because of the school district's cost of achieving compliance, a press release said.

Mr. Mott said he never saw the Feb. 19 letter to parents regarding the fine from Dr. Wilson. During an interview last week, Mr. Mott questioned why an important communicate would be sent home with a child, who could leave it in his or her backpack.

During an interview last week, Dr. Wilson said the letter, as well as other school communications, was sent home with the students as part of a cost-cutting effort to save postage. He said the district "tries to blanket as much of the community as it possibly can." He said the information also is posted online at www.ajusd.org.

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"My kids go to the schools and I see this article about them being fined. I wanted to find out where the asbestos was," Mr. Mott said.

In the most recent summary of its asbestos operations and maintenance plan, dated June 2011 and provided to the Independent by Mr. Mott, the school district states a binder with the asbestos-management plan "should be kept in the main corporate office for the AJUSD and a copy at each campus." It adds "all forms and certificates must be kept a minimum of 30 years or the life of the structure and/or the final removal of identified asbestos-containing materials."

However, when Mr. Mott asked on May 28 to see the plan at Apache Junction High School, where some of his children have attended school, the front desk staff did not know about the plan, he said. That was the case at all the schools he visited, he said.

While at the high school, he was eventually directed to a computer disk stored on a wall that contained an electronic version of the plan, he said.

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Sullivan, Tim

From: Satterfield, Richard
Sent: Tuesday, July 09, 2013 10:55 AM
To: Bishop, Everett
Subject: RE: Arizona - Updates under way: AJUSD updating asbestos-management plans after inquiries from parent

Thanks Everett! I wonder if this is the same Wendy Miller that used to work for OC?

ENFORCEMENT CONFIDENTIAL

Richard J. Satterfield
Federal Facilities Enforcement Office (2261A)
U.S. Environmental Protection Agency
Room 3230, Ariel Rios Building South
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
202-564-2456, Fax 202-501-0069

Click to visit FedCenter: <http://www.fedcenter.gov>

Help eliminate environmental violations. Report tips and complaints at:
<http://www.epa.gov/compliance/complaints/index.html>

From: Bishop, Everett
Sent: Monday, July 01, 2013 9:31 AM
To: Satterfield, Richard
Subject: FW: Arizona - Updates under way: AJUSD updating asbestos-management plans after inquiries from parent

Rich –

(b) (5)

A large black rectangular redaction box covers the content of the email body, starting below the signature and ending above the next email header.

From: Bratko, Jeffrey
Sent: Monday, July 01, 2013 8:01 AM
To: 'Sloan, Robert L'; King, Phillip; Garlow, Charlie; 'mlong@co.pinellas.fl.us'; Bratko, Jeffrey; 'Kathryn Russell'; 'DavisM1@DNR.state.wi.us'; 'Tom Buchan'; Bishop, Everett; Fairchild, Susan; Eppler, David; Cullen, Raymond; Zielinski, Victor; 'lakestates@charter.net.'; 'Crane, Michele A'; Anderson, Steve; 'Jones, Frederick'
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Sullivan, Tim

From: Bishop, Everett
Sent: Monday, July 22, 2013 7:37 AM
To: Worris, Maria
Subject: AHERA letter
Attachments: National AHERA CA letter_final.docx; AHERA fact sheet_final.pdf

- CA letter withheld - (b)(5)
- Fact sheet previously provided

Maria –

(b) (5)

I will bring the package to you.

Attached are the final fact sheet and cover letter for the regions to use.

(b) (5)

Thanks.

Everett Bishop
US EPA
Office of Compliance
Phone: (202) 564-7032
Fax: (202) 564-0050

Sullivan, Tim

From: Worris, Maria
Sent: Monday, July 22, 2013 1:33 PM
To: Lund, Lisa;Armstead, John A.;Banister, Beverly;Blevins, John;Flournoy, Karen;Guerriero, Margaret;Henry, Tala;Kelley, Rosemarie;Kelly, Kate;LaPosta, Dore;Manzanilla, Enrique;Reynolds, Cynthia;Studlien, Susan
Cc: Messina, Edward;Bishop, Everett;Simpson, Julie
Subject: FINAL AHERA COMPLIANCE ASSISTANCE LETTER & FACT SHEET
Attachments: National AHERA CA letter_final.docx; Memo re Compliance Assistance Letter & Fact Sheet.pdf; AHERA fact sheet_final.pdf
- *CA letter and memo withheld - (b)(5)*
- *Fact sheet previously provided*

Please see attached Memorandum from Edward J. Messina, Director, Monitoring, Assistance, and Media Programs, the AHERA Compliance Assistance Letter, and the Fact Sheet.

For further questions, contact Julie Simpson by email at: simpson.julie@epa.gov, or by phone at: (202) 566-1980.

Maria Worris
USEPA/MAMPD/IO (2227A)
Federal Employee
PH: 202-564-7081
Fax: 202-564-0038
Rm 7149 Ariel Rios Bldg.

Sullivan, Tim

From: Bishop, Everett
Sent: Tuesday, July 23, 2013 8:22 AM
To: Duffy, Rick
Cc: Simpson, Julie
Subject: FW: FINAL AHERA COMPLIANCE ASSISTANCE LETTER & FACT SHEET
Attachments: National AHERA CA letter_final.docx; Memo re Compliance Assistance Letter & Fact Sheet.pdf; AHERA fact sheet_final.pdf

- CA letter and memo withheld - (b)(5)

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Rick –

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To: Lund, Lisa; Armstead, John A.; Banister, Beverly; Blevins, John; Flournoy, Karen; Guerriero, Margaret; Henry, Tala; Kelley, Rosemarie; Kelly, Kate; LaPosta, Dore; Manzanilla, Enrique; Reynolds, Cynthia; Studlien, Susan
Cc: Messina, Edward; Bishop, Everett; Simpson, Julie
Subject: FINAL AHERA COMPLIANCE ASSISTANCE LETTER & FACT SHEET

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Maria Worris
USEPA/MAMPD/IO (2227A)
Federal Employee
PH: 202-564-7081
Fax: 202-564-0038
Rm 7149 Ariel Rios Bldg.

Sullivan, Tim

From: Simpson, Julie
Sent: Tuesday, July 23, 2013 8:39 AM
To: Yaras, Michelle
Cc: Bishop, Everett
Subject: FW: FINAL AHERA COMPLIANCE ASSISTANCE LETTER & FACT SHEET
Attachments: National AHERA CA letter_final.docx; Memo re Compliance Assistance Letter & Fact Sheet.pdf; AHERA fact sheet_final.pdf

- CA letter and memo withheld - (b)(5)

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(b) (5)

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Federal Employee
PH: 202-564-7081
Fax: 202-564-0038
Rm 7149 Ariel Rios Bldg.

Sullivan, Tim

From: Simpson, Julie
Sent: Wednesday, July 24, 2013 7:16 AM
To: Bishop, Everett
Subject: FW: the FINAL AHERA COMPLIANCE ASSISTANCE letter and FACT SHEET has broken links
Attachments: National AHERA CA letter_final.docx; AHERA fact sheet_final.pdf

- CA letter withheld - (b)(5)
- Fact sheet previously provided

From: Colt, Christina
Sent: Tuesday, July 23, 2013 6:31 PM
To: Simpson, Julie
Cc: Tartaglia, Maria
Subject: FYI: the FINAL AHERA COMPLIANCE ASSISTANCE letter and FACT SHEET has broken links

Both have links that start with www2.epa.gov and with the "2" they do not work. We are fixing them and we have used adobe acrobat to make the fact sheet a word document so we can fix it but you may want to do so nationally.

Kris Colt, Manager
Prevention and Materials Management Unit
U.S. Environmental Protection Agency
1200 Sixth Ave., Suite 900, AWT-128
Seattle, WA 98101
(206) 553-0058
colt.christina@epa.gov

From: Kelly, Kate
Sent: Monday, July 22, 2013 12:59 PM
To: Colt, Christina; Hastings, Janis
Subject: FW: FINAL AHERA COMPLIANCE ASSISTANCE LETTER & FACT SHEET

From: Worris, Maria
Sent: Monday, July 22, 2013 10:33 AM
To: Lund, Lisa; Armstead, John A.; Banister, Beverly; Blevins, John; Flourney, Karen; Guerriero, Margaret; Henry, Tala; Kelley, Rosemarie; Kelly, Kate; LaPosta, Dore; Manzanilla, Enrique; Reynolds, Cynthia; Studlien, Susan
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PH: 202-564-7081
Fax: 202-564-0038

Rm 7149 Ariel Rios Bldg.

Sullivan, Tim

From: Simpson, Julie
Sent: Thursday, July 25, 2013 7:35 AM
To: Bishop, Everett
Cc: Mason, John
Subject: RE: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives
Attachments: STAG Toxic Substances Compliance 14 3 28 13 edits_OC Round2 EBEditions responses.docx

Attachment withheld - (b)(5)

Michelle reminded me of the edits we had done to the narratives in March – here is the latest version I have for TSCA.

From: Stanley, Pam
Sent: Wednesday, July 24, 2013 12:44 PM
To: Bishop, Everett
Cc: Simpson, Julie; Mason, John
Subject: RE: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives

Hi, Everett.

You should be able to scroll down to get to the TSCA narrative.

Thanks,
Pam

From: Bishop, Everett
Sent: Wednesday, July 24, 2013 12:38 PM
To: Stanley, Pam
Cc: Simpson, Julie; Mason, John
Subject: RE: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives

Pam –

I did not see the TSCA budget write up in the attachments.

From: Simpson, Julie
Sent: Wednesday, July 24, 2013 10:55 AM
To: Bishop, Everett; Mason, John; Yaras, Michelle
Subject: FW: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives
Importance: High

From: Duffy, Rick
Sent: Wednesday, July 24, 2013 10:53 AM
To: Messina, Edward; Pontius, Ann; Segall, Martha; Simpson, Julie; Banks, Julius; Havinga, Al
Subject: FW: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives
Importance: High

BC's please review the appropriate attachment's and provide comments to me by COB Friday. We can discuss on Monday at the MAMPD managers meeting. You have to use the scroll bar on the to the right of the list of attachments to see everything that we are being asked to review.

From: Stanley, Pam
Sent: Wednesday, July 24, 2013 10:34 AM
To: OECA-OC-Division Directors

Importance: High

In preparation for the FY 2015 OMB Budget Request submission, please review the FY 2014 President's Budget Narratives as a starting point, as it relates to your division's programs, and provide your **edits using *track changes*** when submitting all responses. **Please submit your responses to "OECA-OC-RMS Budget Team" by C.O.B. Tuesday, July 30, 2013.** (b) (5)

[REDACTED]

FYI! OAP/BFMD is expecting to receive budget targets for FY 2015 early next week, and we will keep you abreast as we receive more information.

Thank you in advance for your assistance in this matter! If you have any questions, please feel free to contact me or Michael Richardson on (202) 564-1508.

Thank you,
Pamela (Pam) Stanley
U.S. Environmental Protection Agency
OECA/Office of Compliance (OC)
Resource Management Staff (RMS)
Phone: (202) 564-0538
Email: stanley.pam@epa.gov
gtG

Sullivan, Tim

From: Mason, John
Sent: Thursday, July 25, 2013 8:26 AM *Attachment withheld - (b)(5)*
To: Bishop, Everett
Subject: FW: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives
Attachments: STAG Toxic Substances Compliance 14 3 28 13 edits_OC Round2 EBEditions responses.docx

Everett - (b)(5)

From: Simpson, Julie
Sent: Thursday, July 25, 2013 7:35 AM
To: Bishop, Everett
Cc: Mason, John
Subject: RE: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives

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Cc: Simpson, Julie; Mason, John
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Pam

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To: Stanley, Pam
Cc: Simpson, Julie; Mason, John
Subject: RE: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives

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Subject: FW: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives
Importance: High

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Subject: FW: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives
Importance: High

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From: Stanley, Pam

Sent: Wednesday, July 24, 2013 10:34 AM

To: OECA-OC-Division Directors

Cc: Richardson, Michael; OECA-OC-RMS Budget Team

Subject: Response Needed by C.O.B. Tuesday, July 30, 2013: FY 2015 Budget Narratives

Importance: High

Good Morning, Everyone.

In preparation for the FY 2015 OMB Budget Request submission, please review the FY 2014 President's Budget Narratives as a starting point, as it relates to your division's programs, and provide your **edits using track changes** when submitting all responses. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b)(5)

(b)(5)

A large rectangular area of the document is completely redacted with black ink. To the left of this redacted area, the text "(b)(5)" is written vertically in red.

FYI! OAP/BFMD is expecting to receive budget targets for FY 2015 early next week, and we will keep you abreast as we receive more information.

Thank you in advance for your assistance in this matter! If you have any questions, please feel free to contact me or Michael Richardson on (202) 564-1508.

Thank you,
Pamela (Pam) Stanley
U.S. Environmental Protection Agency
OECA/Office of Compliance (OC)
Resource Management Staff (RMS)
Phone: (202) 564-0538
Email: stanley.pam@epa.gov
gtG

Attachments withheld - (b)(5)

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Good Morning, Everyone.

[REDACTED]

[REDACTED]

(b) (5)

A large rectangular area of the document is completely redacted with black ink. To the left of this redacted area, there are several short, vertical black bars, possibly indicating line numbers or a margin. The redaction covers approximately 80% of the page's width and 50% of its height.

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Thank you,
Pamela (Pam) Stanley
U.S. Environmental Protection Agency
OECA/Office of Compliance (OC)
Resource Management Staff (RMS)
Phone: (202) 564-0538
Email: stanley.pam@epa.gov
gtG

Sullivan, Tim

From: LaVigna, Gaetano
Sent: Tuesday, August 13, 2013 1:33 PM
To: Radhakrishnan, Krish
Cc: Tu, Victor; Eng, Ken; Eileen.Franko@labor.ny.gov; Bishop, Everett; Cardile, Joseph
Subject: RE: Support documents for clean-up of contaminated soil affected by Sandy
Attachments: 59 FR 40964 major final rule.pdf; 20130130 cover page and reponse CAA-2-2010-1459.pdf; adi-asbestos-a960034.pdf; Responses to NYC.pdf

Krish,

Everett Bishop, our Asbestos Expert at EPA Head Quarters, has provided responses to three of the four questions posted by FEMA. The fourth question pertains specifically to NYC DEP.

If you have any further questions/comments, please do not hesitate to contact any of us.

Gaetano La Vigna, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. EPA Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866
Phone (212) 637-4069
Fax (212) 637-4035
Email LaVigna.Gaetano@epa.gov

From: Radhakrishnan, Krish [mailto:KrishR@dep.nyc.gov]
Sent: Monday, August 12, 2013 11:41 AM
To: Eng, Ken
Cc: Tu, Victor; LaVigna, Gaetano
Subject: RE: Support documents for clean-up of contaminated soil affected by Sandy

Ken,
Good morning. I was hoping to send the response to FEMA today or tomorrow. Can we expect your letter later today or tomorrow? Thank you for everyone's help.

Krish Radhakrishnan, P.E. Executive Director NYC Environmental Protection
Environmental Compliance Asbestos Control Program and Air Engineering
(O) 718 595 3721 krishr@dep.nyc.gov

From: Eng, Ken [mailto:Eng.Ken@epa.gov]
Sent: Friday, August 09, 2013 7:03 PM
To: Radhakrishnan, Krish
Cc: Tu, Victor; LaVigna, Gaetano
Subject: Re: Support documents for clean-up of contaminated soil affected by Sandy

Krish. Our response is almost done. We had to wait for info from our HQs. We just got it.

Ken

From: Radhakrishnan, Krish <KrishR@dep.nyc.gov>
Sent: Thursday, August 08, 2013 10:34:47 AM

To: Eng, Ken

Subject: Support documents for clean-up of contaminated soil affected by Sandy

Ken,
Hope all is well. Please let me know when we can expect to get the support letter/ documents, thank you so much for your help.

Krish Radhakrishnan, P.E. ExecutiveDirector NYC Environmental Protection
Environmental Compliance Asbestos Control Program and Air Engineering
(O) 718 595 3721 krishr@dep.nyc.gov